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FLOODING ON THE JAMES, VERMILLION, AND BIG SIOUX RIVERS

HEARING

BEFORE THE

SUBCOMMITTEE ON WATER RESOURCES

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

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AUGUST 17, 1984

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FLOODING ON THE JAMES, VERMILLION, AND BIG SIOUX RIVERS

FRIDAY, AUGUST 17, 1984

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON WATER RESOURCES,
Vermillion, SD.

The committee met, pursuant to notice, at 10 a.m., in the Continuing Education Building, University of South Dakota, Hon. James Abdnor presiding.

OPENING STATEMENT OF HON. JAMES ABDNOR, U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator ABDNOR. I want to welcome everyone to our hearing today. I know we have a number of problems to discuss and I'm here to listen. I want to say that we first announced this hearing about 3 weeks ago. We made a public announcement of it and requested that those who wanted to participate should contact our Sioux Falls office. We sent out cards to just about everyone stating this and asking those who cared to participate to contact our office. We tried to make it known in the media also. We have had a number of people who have requested an opportunity to testify. We hope that we're able to take care of everyone's request to participate.

For the past 2 years we've seen record floods in this area and I'm sure I don't need to tell anyone just how serious the consequences have been. I'm here to listen and to learn from you folks and have the Corps of Engineers and the Soil Conservation Service tell us of their problems; that's why I have asked them to appear today. I do hope to learn more about the problems and perhaps more importantly about how these problems can be addressed.

For much of the flooding and erosion problems we're going to hear about today, I'm sure there are no overnight answers. The solutions must be the result of cooperation between Federal agencies and those affected, and I believe very strongly that before any major project is authorized, it has to have strong local support, and that's the key to whatever we do.

The new water bill we're working in the Subcommittee on Water Resources has a provision that will call for $15 million for stream bank erosion purposes. I hope that will be of help to this problem.

There are other programs that need to get off the ground. They've got to be planned and worked out. Maybe Colonel Andrews will address the section 205 program and the potential that it could have. Working on water problems in Washington, I find that planning has

been going on for years and we want to find a way to expedite this. I don't want to raise expectations that we can do this overnight but I certainly don't want to see it dragging on for years.

I'm very appreciative that the Corps of Engineers have come out from Omaha. I've had the pleasure of working with Colonel Andrews on many problems and I know he's willing to cooperate. I want to start out with Bob Neufeld. Mr. Neufeld has a review of problems in general and I think it's only fitting that we start out with the head of the department of water and natural resources for the State of South Dakota.

STATEMENT OF WARREN R. NEUFELD, SECRETARY, DEPARTMENT OF WATER AND NATURAL RESOURCES, STATE OF SOUTH DAKOTA

Mr. NEUFELD. It's a bit unusual for me to be appearing in front of you testifying on a problem such as flood control. Our little visits have normally been on such other mundane issues as coal-slurry pipeline and irrigation project for the State of South Dakota. It's a pleasure to be able to change the subject a bit and perhaps talk about another subject that still pertains to water. I would like to let you know that I've been asked to appear here on behalf of Governor Janklow and he sends his regards and I will also be presenting some information with respects to the department of game, fish, and parks.

I'll be presenting slides and some information with respect to damage done to recreation areas on the main stream reservoir because of the flood control operations of the reservoir by the Corps of Engineers.

I'd like to concentrate and speak generally about two problems that have occurred in this State due to this flooding. One is local in nature and it deals with the southeastern South Dakota and south central South Dakota flooding problems that we've been having. The second one is national in scope and in nature and it deals with the operation of the main stem reservoirs. Both, I think, are tied together by a theme of equity and a theme of justice with respect to how the Federal Government has treated 1 of its 50 members of the Union.

With respect to southeastern South Dakota and central South Dakota, we'd like to point out that there have been about 23 counties in this portion of the State that were affected by flooding this year; 323,354 people, 50 percent of the State's entire population live in these counties and in one way or the other, directly or indirectly, were affected by flooding problems. There are 6.7 million acres of cropland of which over 1 million acres weren't even planted this year, unplanted. There are public health problems in the James River basin this year. There are 16,000 wells for public and private use located in the Big Sioux aquifer. This year scores of reports were reported to the department of health with respect to contamination of privately owned and municipally owned wells contaminated because of flooding problems. The flood waters washed material down casings and made the wells unuseable. Nitrate problems were present in this part of the State, also. Storm sewers and sanitary sewers in municipalities were damaged. Beaches and parks were made unuseable and contaminated by the flooding. Approximately 1,000 miles of State and county roads were damaged, not to count the bridges and culverts made unuseable because of hydraulic pressure and debris catching.

Preliminary estimates indicate there were 289 million dollars' worth of flood damage to this part of the State this year due to the high precipitation and lack of flood control that exists. One and a half million dollars of this was to private residences, $1 million to business, $283 million to farms and crops, and $3.8 million to public facilities. These are just preliminary estimates.

In the absence of the Federal Government being willing to keep its commitment to the State of South Dakota to share the wealth represented by those main stream dams with the people of this region, we, as a State, have taken measures and the local people in this State have taken measures to try and correct these problems. For instance, this year we will be initiating a program to begin dredging of the James River to initiate a cost of about $5 million of State funds. We are proposing to build a ring dike reservoir at the northeastern end of the James River. This is being sponsored by the BHC Development Corp., a group of private land owners in Brown County. The cost is approximately $28 million, at least, when it gets built. We are looking at the construction of dams in the Marshall Hills area for flood control purposes at a cost of $10 million. In this very part of the State people are proposing the Turkey-Clay watershed proposal to reduce flood damages in this area and that water should be 72 percent over a 10-year plan. It's a project that sits on the State water plan and we strongly support it. Planning is being done with Turkey Ridge Creek to reduce flooding along the Vermillion River. Centerville residents are doing planning and organization on the Big Sioux River to handle flooding problems in the area.

Senator Abdnor, your proposed bill S. 1739 contains authorization for a James River channel improvement to the tune of $20 million to allow us to proceed with other off-stream reservoirs for the storage of flood waters to be preserved for later use.

I'd like to turn a bit and if I could ask that the lights be dimmed if that's possible and show you some slides of the damages the State has received of its facilities due to the operation of main stream reservoirs this year. Senator Abdnor, this is a general map of the West Whitlocks recreation area. The water is all around the peninsula that comes down from the upper, right-hand corner of the screen there and you can see the shelterbelts, park areas, the beaches that exist in that area and the bulk ramp is the red line that is pointing toward the lower, right-hand corner of the picture. This is a photograph of the same general area taken this year and you can see the cut banks that are going along there being caused by erosion of the land due to the reservoir. This is a closeup of those same cut banks. This picture was taken, I believe, last year. I'm trying to find my notes with respect to these. This is Mr. Stingly's presentation, Senator. Those stakes that you see there are no longer there. That amount of land was eroded away in a 2-week period during June. The Corps of Engineers raised its reservoir level up to the highest point it's ever been in the Oahe Reservoir.

Senator ABDNOR. The erosion was all the way to the stake, you say?

Mr. NEUFELD. Those two stakes are no longer there. That land area isn't there. There isn't that much land area there in the West Whitlocks area. This is some more of the erosion that's taking place at the West Whitlocks area. This is the southeast side of the area. This is

the same view of that area only taken from the water and you can see the type of cut banks that are being created by the reservoir's existence. And this is a point just adjacent to the swimming beach which is no longer existent because of the high water level at this same area. This is again at West Whitlocks and you will note the fence post in the lower, right-hand corner of the picture and the stakes again in the back part of the picture. Two years ago there was a road that ran on the right side of those fence posts and stakes. Again, it eroded away due to the high water levels on the reservoir. The light has suddenly dawned on me, Senator. This is what the boat ramp looks like that we built because with the U.S. Army Corps of Engineers, and as a matter of information, the State of South Dakota paid for almost all the cost of the boat ramp and we had to wait for the Federal Government to reimburse us for the cost of these boat ramps.

Truman Dam and reservoir in Missouri, the Federal Government is paying for 100 percent of those costs. This was taken in 1980. This is the same boat ramp where, on the right side of the boat ramp as we were looking at it in the previous picture, and you can see the erosion is getting close. The boat ramp is almost entirely covered by water. This is the same sort of erosion that's taking place on the left-hand side of the boat ramp. You can see how close people have to park their vehicles and their boat trailers to the reservoir in order to get close enough to the boat ramp to use it. And this is a beach wall. Again, you can see there is no beach but this is a beach wall again at West Whitlocks that is being destroyed by the high water level. This is an area at Forest City which is across the river on the other side of West Whitlocks. This is their boat ramp and again you can see the boat ramp, it's difficult to see and you notice how some of the roads and banks are being eroded away. This is an area near the boat ramp at Swan Creek lakeside use area. And here is a brand new concession building that was built as part of our recreation program cost sharing with the Corps of Engineers and this is June of this year. It looks like this is going to be converted into a drive-in center where people just drive up in their boats and get service out of the back window of the building. And this is a shoreline adjacent to the Snake Creek Campground.

You probably aren't familiar with all these terms but Snake Creek is the area just north of the Platte/Winner Bridge as you're crossing from Platte over toward Winner on the Missouri River. There is a bay area in there and that's Snake Creek and this is what's happening to that area. And this is shoreline erosion along the road that connects the Cow and Spring Creek areas on the Oahe Reservoir, these next three or four slides. And this is a map of Lake Oahe. You can see West Whitlocks is half way up the reservoir on the east side of the reservoir and Forest City is on the left-hand side. This is some of the recreation areas on the Lake Sharp area. This is Lake Francis Case. Snake Creek is just above the Platte/Winner Bridge there and White Swan is just above the Fort Randall Dam. And that, Senator, concludes the slides that I have for game, fish and parks. If we can put on the lights again.

The issue at hand, Senator Abdnor, involves a number of things. The damage that we saw to these State-owned facilities is going to cost the State of South Dakota somewhere in the neighborhood of

$613,000 to correct. This is a preliminary estimate. Mr. Stingly has told me this is the first time this number has been released in public. We have already spent somewhere in the neighborhood of $107,000 to try and correct the damage done to those public recreation facilities.

Senator ABDNOR. How much?

Mr. NEUFELD. $107,000. The Oahe Reservoir, for instance, was 1.3 feet this year above the exclusive flood control pool or the highest it's ever been.

In building these facilities, as I said, the State of South Dakota had to front end United States cost share in these recreation areas. Harry S. Truman is proceeding with no local cost share, 100-percent cost to recreation areas.

We have been told by the Corps of Engineers that those areas under South Dakota jurisdiction and the operation and maintenance responsibilities of these facilities have been divided between the State of South Dakota and the Corps of Engineers.

Those areas under the State of South Dakota jurisdiction we are responsible for repairing the damage caused by the Corps of Engineers with respect to their operation and maintenance of the dams. They will bear the cost of the operation and maintenance costs and damages with respect to areas under their jurisdiction. The fact that seems to bother us somewhat is that in the national interest, they have been preserving property and lives in downstream States and yet for some reason it's not in the national interest to pay for the damage caused in providing those benefits to other people.

With respect to shoreline protection, we find that navigation levies and flood control levies are repaired and maintained frequently in downstream areas and we have a difficult time getting the Corps of Engineers to prevent and protect us from streamline erosions and shoreline erosion in this State.

With respect to water crews on the Missouri River, Senator, I have yet to see a letter from the Corps of Engineers asking that the cities of Omaha, Council Bluffs, and Sioux City pay for stored water in the Missouri River reservoirs that they use. Yet every year I continue to get letters from Colonel Andrews of the Corps of Engineers suggesting that our people who are sticking pipes in the Oahe Reservoir and Lake Francis Case and Gavins Point ought to pay the Corps of Engineers for using South Dakota water. Where is equality and equity in that with respect to legal requirement. While the downstream States are being apportioned to them through flood control benefits, this spring they were also suing to stop the State of South Dakota from using a small amount of water for a coal-slurry pipeline, suing because the environmental impact statement was inadequate with respect to that project. The downstream States were enjoying the benefits of this flood control operation that was destroying and damaging our recreation areas on the Missouri River in South Dakota. The downstream States were enjoying these benefits and suing to prevent South Dakota from using a bit of this water that they wanted to hold back. As a matter of fact, Senator, I read in one of the Corps of Engineers publications that on 1 day of operation these main stem dams reduced the flows in the Missouri River downstream in excess of 50,000 cubic feet per second.

In 1 day that holds back enough water to supply the ETSI coal-slurry pipeline with water for 5 years. Those States were suing because they allege the environmental impact statement to that project was inadequate. I know of no statement filed with respect to the continued operation of these reservoirs that causes us damage in the State of South Dakota.

At the same time, and we have no objection, we have no objection to the fact that these dams are holding back water to save lives and property in the downstream States, but those dams represent the one true opportunity that the State of South Dakota ever had to create wealth for itself and move ahead into prosperity, but because those dams every day are exporting wealth, that wealth to other States in the form of cheaper power—82 percent of the power generated in South Dakota goes to those States in the form of free flood protection. Highly subsidized navigation to the tune of more than $3 for every ton of traffic that goes on the Missouri River every year is a subsidy and operation and maintenance expenses, every day this occurs, the wealth those dams represent for the State of South Dakota is being exported to other States. We may be saving lives in other States on an instantaneous basis but those dams are ruining livelihoods for the people of the State of South Dakota.

In addition, where is the equity in the fact that these dams again are being imposed upon us for the benefit of other States and when we want to use water there is a lawsuit filed in a court and a court in Nebraska holds that three unharmed, downstream States, a railroad that uses less than 1 acre-foot of water a year and the Federal Government have more right to be a party to the lawsuit regarding the use of South Dakota water than does the State of South Dakota. We petitioned to intervene in that lawsuit, Senator, and were not allowed to do so.

With respect to the use of Missouri River waters in the State of South Dakota, the legal precedent now is that the State has nothing to say about how that water is used and we intend to do everything we can to see that overturned.

The fact of the matter is, Senator, that while we have flood control problems in the southeast corner of this State, we have flooding problems with respect to damages on the main stem reservoirs in this State. Every day those dams continue to export wealth that they represent to other States, those other States are getting richer and South Dakota is the poorer for it.

We will continue to try and bootstrap our own problems. We will be doing flood control work on the James River. Local people are getting organized on the Big Sioux River and whenever the Federal Government wants to feel that it wants to get off—excuse me, I won't use that word. Whenever the Federal Government wishes to lend us a helping hand that will be welcome, but until that time, we intend to continue going on about our own business. Thank you very much, Senator. It's been a pleasure to be here.

Senator ABDNOR. Thank you, Mr. Neufeld. I've never heard you in better form and I've heard you many times in Washington on our water problems. You said you felt very strongly about the very thing we spoke of and we've been trying to do something about that. I want you to know I'm willing and ready and will continue to help in every way I can. Every time I see the Nation's water problems on dis-

play and I see what's happening in other States, I sometimes wonder where South Dakota has been for all these years and what happened to us. But I feel very strongly about many of the points you brought out here today. Let me say that the stream bank erosion program got into law back when I served in the House on the Public Works Committee. We've got a long ways to go.

I'm afraid we've put more money into stream bank erosion than we could into future water projects if we started taking care of the dam. It's apparent something is going to have to be done and I'd love to have those pictures to show in front of our committee. I want some of the members of my committee to see for themselves. It clearly shows what we're up against. I'd like to have them as part of the record.

Mr. NEUFELD. We will submit copies. Those are the only copies that exist, at this point.

Senator ABDNOR. I think they tell a great story. Colonel Andrews, I'm glad you were able to testify because these are some of the things I'm sure we want to talk about, without losing sight of the fact that we're here to talk about the problems in the southeast part of the State. But this meeting is open and needs to cover all areas and I do appreciate your testimony. Do other States participate in their recreational areas like we do in South Dakota?

Mr. NEUFELD. Senator, I'm not expert enough to comment on that but with respect to your comment about this hearing being about southeast South Dakota, I think our main point is that if the Federal Government were willing to share with this State the amount of wealth that's been created in other States for those main stream dams, we wouldn't be in the position to have to look for assistance for flood control. This State could afford to take care of its own natural resource problems.

Senator ABDNOR. What assistance was requested of the Corps of Engineers during and subsequent to the severe flooding last spring? Do you know if we made many requests of them?

Mr. NEUFELD. We have, in fact, requested assistance from several Federal agencies. The Soil Conservation Service is going to be here and the Corps of Engineers and with respect to specific programs, protection of public facilities, and such as roads and wastewater treatment facilities, the Corps of Engineers has responded with inspection tours and specific responses on each request. I can't detail those for you but in some cases we've had positive responses and some cases we've had negative responses.

Senator ABDNOR. How much water would we have had to let out? Would there have been the same damage if the down-river States had taken a little precaution? In your judgment, do you think they could have let more water out?

Mr. NEUFELD. I haven't done a damage assessment downstream but I can tell you that if my memory serves me correctly, one of the newsletters put out said they estimated flood stage at Omaha, NE, was reduced somewhere in the neighborhood of 7 feet. Somehow I think there must have been room in that 7 feet somewhere to provide a little more equity in the State of South Dakota.

Senator ABDNOR. Well, thank you. We appreciate your testimony. Our next witness is Colonel Andrews. I want to say that the colonel and I work very closely and I know that he is a gentleman you can deal with and talk to about your problems. We would like for him to go a

step further on some of our problems however. Anyway, we appreciate your coming up here today to discuss the seriousness of the problems we have here in the southeast part of the State and hopefully some way, somehow, we might come up with some plan or agreement that we might be able to put to use to alleviate the flooding that we've been witnessing over the last few years and maybe while we're at it we could talk about the problem the State of South Dakota has, too. Colonel Andrews, welcome. Why don't you introduce the panel?

STATEMENT OF COL. WILLIAM R. ANDREWS, JR., DISTRICT ENGINEER, OMAHA DISTRICT, CORPS OF ENGINEERS

Colonel ANDREWS. Sure. Mr. Chairman, as you said, I am Col. Bill Andrews, district engineer from Omaha District, U.S. Army Corps of Engineers. Accompanying me at the hearing today is Mr. Arvid L. Thomsen to my left, who is the Chief of the Planning Division, who is primarily concerned with civil works and the type of issues we're talking about this morning, and to my right is Mr. Ken Harris, Acting Chief of the Emergency Management Division of the Omaha District primarily concerned in this morning's testimony with those emergency measures that we can or have taken concerning the recent flooding over the late spring, early summer of this year.

I am pleased to appear today to discuss the Omaha District's actions in response to the recent flooding on the James, Vermillion, and Big Sioux Rivers, and to discuss the authorities under which the Corps of Engineers can assist State and local interests in resolving flood-related problems.

Many of the people in attendance at this hearing were involved in or were close to the recent flooding and saw or experienced the damaging effects. I observed the disaster from the air and many of my staff were on the ground helping to fight the floods in the entire Missouri River basin.

First, I'd like to say something about the rainfall that produced this year's flooding and the magnitude of the maximum river discharges. I think it's important that we have a short appreciation for the extent of water that hit the Missouri River basin this year. The rainfall that produced significant runoff in this area began around June 4. A series of storms continued until around the 22d. During this period of time rain occurred almost every day in southeastern South Dakota. On June 12, the flood stage was exceeded on the James River at Scotland, on the Vermillion River at Wakonda, and on the Big Sioux at Akron, IA. Between June 19 and June 22, heavy rainfall occurred producing widespread 4-day totals of 4 to 4.5 inches. Mitchell and Marion both reported 4.5 inches of rain during this period of time.

In order to put the magnitude of this rainfall into perspective, I'd like to add these facts. In this area of South Dakota the average rainfall is about 21 to 25 inches per year. During the month of June, the average rainfall is about 3.5 to 4.5 inches. In June of this year, Marion reported 14.2 inches, Scotland 12.5 inches, Huron 11.5 inches, Mitchell 11.1 inches, Yankton 10.9 inches, and Sioux Falls 8.4 inches. That is three to four times greater than the normal June rainfall.

This rainfall caused the James River at Scotland to reach the highest recorded discharge in 56 years of record. The peak flow which occurred on June 23 was 26,800 cubic feet per second. We estimate this flow to be greater than a 100-year event. The corresponding gauge height was 20.3 feet, which is 4.7 feet above flood stage. On the Vermillion River, the discharge at Wakonda also reached the highest in 39 years of record. The peak flow which occurred on June 22 was 16,500 cubic feet per second. This flow was estimated to be about a 75-year event. The corresponding gauge height was 17.4 feet which is 3.4 feet above flood stage.

On the Big Sioux at Akron, the discharge reached a maximum of 50,000 cubic feet per second on June 23. The maximum of 56 years of record for this station is 80,800 cubic feet per second. This occurred on April 9, 1969. This year's flood is estimated to be about a 30-year event. The corresponding gauge height was 22.4 feet which is 6.4 feet above flood stage.

I might add that releases from Gavins Point Dam and the rest of the main stem system had been reduced to record low releases for the 3 consecutive months of April, May, and June. What I just said, for 3 consecutive months, we've had record low releases from Gavins Point Dam. This was to offset the high inflows that had been occurring all spring. For example, the second week of June saw heavy rains over the Loup River system of central Nebraska and Salt Creek sending the lower Platte River to within 1 foot of the record high stage. This water was just subsiding when another storm fell over northeast Nebraska sending the Platte and the Missouri Rivers up again. The rivers were again just starting to recede when the flood that I have just described occurred over South Dakota. These waters from South Dakota, Iowa, and Nebraska were piling into the waters already in the river from Kansas and Missouri. The entire river downstream from Sioux City to the mouth was above flood stage. The only flood in the Omaha District to produce higher stages was the great snowmelt flood of 1952. The Gavins Point releases were reduced from a discharge of 16,000 cubic feet per second to a discharge of 10,000 cubic feet per second. Average June releases are typically 30,000 feet—cubic feet per second. Preliminary analysis shows that the use of the main stem system reduced flood stages by 7.3 feet at Sioux City, 6.3 feet at Omaha, and 3.8 feet at Saint Joe. This represents the difference of many, many miles of levees holding or breaking. The system did the job it was designed and built to do.

I have briefly described the recent flooding. I would like now to describe the Corps of Engineers' emergency authorities and the actions taken by the Omaha District under these authorities. Following that, I will discuss the authorities under which the corps can provide assistance in resolving flood-related problems.

Under Public Law 84–99 emergency authorities, the corps can provide supplemental assistance to the State in its flood-fighting efforts. Specifically, we can provide the State with technical assistance, supplemental material or equipment needs. We can also provide direct assistance, such as awarding emergency contracts to supplement the State's flood fight. During the flood, I activated the emergency operation cen-

ter in Omaha on a round-the-clock basis to monitor river stages and to provide assistance to South Dakota's emergency services personnel. We provided 1,000 sandbags to South Dakota for flood fighting in the Yankton area. Omaha District personnel also conducted reconnaissance flights over the affected area. Following the flood, Omaha District personnel prepared over 120 damage survey reports.

Also under these emergency authorities, the corps can provide assistance in repairing damaged flood control structures. I issued a public notice on July 10 of this year regarding the availability of assistance under this program. To date, the Omaha District has received 26 applications for assistance under this program in South Dakota. Field investigations at each of these 26 sites are currently being conducted. As a part of this, the field investigator must determine whether the site meets the specific criteria for eligibility under the program. Applications that do not meet these criteria must be denied.

There are several authorities under which the corps can assist State and local interests in the long-term resolution of flood related problems. The programs available to us can be divided into three major categories. These categories include technical assistance programs that provide advice or information regarding flooding and flood-related solutions, but no construction; the small projects program which authorizes the development of local flood control projects at specific sites including construction; and the feasibility study program which authorizes studies to examine the potential for large scale, long-term flood control solutions that require specific authorization by Congress for construction.

The first category that I will discuss in more detail is the technical assistance program. Because of the corps' specialized expertise in the area of flood control, Congress has authorized several technical assistance programs that allow us to provide a broad range of services to State and local interests. Under these programs we are able to provide general and site-specific advice, information, and other services regarding flooding, flood plain planning, erosion, and similar activities.

Our Flood Plain Management Assistance Program was established in 1960 to promote the wise use of flood plain lands. Upon request from a local or State agency, we provide technical data on floods and flood plain lands. We also provide information regarding various methods of reducing flood damages.

Our Planning Assistance to States Program, which falls under the technical assistance category, was authorized to allow us to cooperate with the States in developing comprehensive water resources plans for drainage basins within the States. This program is primarily used to provide and/or analyze existing technical data. This program has been extensively used in South Dakota to address a wide range of problem areas identified by the South Dakota Department of Water and Natural Resources. Under this program the activities are conducted in accordance with a priority list prepared by the State of South Dakota each year.

Our technical assistance program for streambank erosion control, the final program that I will discuss in the technical assistance category, was authorized to provide technical and engineering assistance in developing methods of preventing damage from streambank ero-

sion. Activities under this program are conducted in response to requests from local or State agencies.

All of the programs in the technical assistance category can be used to provide helpful advice and information that is both general and specific in nature.

The second category that I will discuss is the small projects program. The small projects or continuing authorities programs have been used extensively throughout the Omaha District to provide flood protection projects at local areas. Under this program the corps can develop local protection projects ranging from protection for a bridge to protection for an entire community. I will discuss two of the more widely used programs: the Emergency Streambank Erosion Control and the Small Projects Food Control Programs.

Our Emergency Streambank Erosion Control Program, which is more commonly called the Section 14 Program, was authorized in 1946. It allows the corps to construct, repair, restore or modify economically feasible streambank protection works at public facilities where an emergency situation exists. Public facilities include highways, bridges, primary roads, churches, hospitals, schools, water supply systems, and sewerage disposal plants, to name a few. The Federal cost limit for this program is $250,000 per project site.

This program is extensively used, particularly after flood events such as those that occurred this year. We are currently processing four section 14 projects in this area. Two of these concern the Big Sioux River in Plymouth County, IA. The other two are located near Vermillion. One of them concerns the State-owned railroad line on the Vermillion River and the other concerns a sewer line near the Vermillion River. Section 14 studies are conducted on a fast-track basis. The goal of the Section 14 Program is to complete construction by the next year's normal high water period. Under this program, all real estate requirements must be provided by a non-Federal interest before construction.

Our Small Project Flood Control Program was authorized in 1948. This program, more commonly called the Section 205 Program, allows the corps to construct economically feasible projects for flood control and related purposes. This program has been used extensively to provide flood protection for smaller communities. Many of our flood control channel or levee projects such as those at Herreid, Rapid City, and Sturgis were constructed under this program. The Federal cost limit under this program is $4 million per project. Non-Federal cooperation is required for section 205 projects.

The continuing authorities programs are extremely useful in solving flood problems at specific locations. Activities conducted under these programs are generally conducted in response to a request from a local governing body.

The third category that I will discuss is the feasibility studies program. This is a general term for those types of large-scale studies that are authorized by Congress to address water resources problems. The Missouri River main stem dams and the Sioux Falls project were constructed as a result of feasibility studies. We currently have three ongoing feasibility studies in South Dakota. These are the Missouri River, South Dakota, Nebraska, North Dakota, and Montana study; the eastern South Dakota and Upper Big Sioux River, South Dakota

and Iowa study; and the western Dakotas region of South Dakota study.

Of particular interest to this part of South Dakota is the eastern South Dakota and upper Big Sioux River study. This ongoing study is addressing the water resources problems and opportunities of that part of South Dakota that lies east of the Missouri River. This includes the area drained by the Big Sioux, Vermillion, and James Rivers. A detailed examination of the flood problems and potential solutions is an integral part of this multipurpose study.

This study includes an analysis of the hydrology of the three basins, the identification of the flood damage potential, and the formulation and evaluation studies of alternative plans to resolve these flood problems. The results of this examination may point to a recommendation or a series of recommendations for potential flood control projects in the three basins. Any recommendation for a flood control project would require specific authorization by Congress. The evaluation of flood problems in the Big Sioux, Vermillion, and James Rivers is scheduled for completion in fiscal year 1985.

Mr. Chairman, this concludes my statement. I would be pleased now to respond to any questions you may have or either of the two gentlemen with me.

Senator ABDNOR. Thank you, Colonel. While I have it on my mind, are the studies to be completed in 1985 going to lead us in the direction we ought to be going? Are we going to get some concrete information that's going to be helpful regarding these floods?

Colonel ANDREWS. Yes; in completion of the three studies and the one for the eastern portion of South Dakota that I mentioned last, we will have a very good feel for what alternatives we have and also if, in fact, we should go to Congress for authorization and funding to do further things in this part of the State or this part of the basin.

Senator ABDNOR. Colonel, do you think the people should try to get something done in the more immediate future to partially alleviate the problems they've had or is it something we ought to let lie until this study is complete?

Colonel ANDREWS. I would suggest that the feasibility study we're planning on completing in fiscal year 1985 is a good initiative but I would also agree with you that those things that we, the corps and the Federal Government and the local people of the community can do to create a better situation concerning flooding for the State of South Dakota, they should pursue. And as I indicated in my statement, there are authorities that we have to assist in that area.

Senator ABDNOR. I am interested in your statement and what you can do now, but I'm also interested in some of the small projects like the section 205 projects. Have we started any 205 projects or are any in the works?

Colonel ANDREWS. Yes, Mr. Chairman. If I may, let me say a few words about section 205 and, specifically, have we had any requests for assistance under section 205. Section 205 of the 1984 Flood Control Act authorizes the corps to construct small flood control projects. Federal costs cannot exceed $4 million per project. We have not had any recent request for assistance under this authority from this area of South Dakota. Anyone that's interested in assistance under this authority should please contact myself, the Omaha District headquarters, or Mr.

Thomsen and we will certainly entertain any requests to include sending people to meet or visit any site.

Senator ABDNOR. Have you, to date, done any studies on this so that you might come up with a program or two that could be extremely effective if carried through under the 205 program?

Colonel ANDREWS. Let me just say, sir, that we have initiated some studies under section 205 within the Missouri River basin and I'd like to ask if you don't mind, Mr. Thomsen, to talk about what has been done on the 205.

Senator ABDNOR. Fine, I'd like to have Mr. Thomsen participate.

Mr. THOMSEN. In the course of the eastern Dakota study we are looking at all the communities in the State that are involved in the flood insurance program. That kind of gives you a screening tool to indicate where flood problems might be. In the course of reviewing each of those communities that have a flood problem, if we find that the solution may end up to be a cost of less than $4 million or that it may be feasible, we would then advise the local, appropriate local people of that possibility. We have not completed that yet and, therefore, we don't have any—I can't give you any names of towns right now where you might say we ought to start one, but that will come out.

Senator ABDNOR. Have any people come before you or have contacted you as to possibilities of a section 205 program?

Mr. THOMSEN. Not in this part of the State recently.

Senator ABDNOR. Supposing a project was to come to mind that is workable and could be constructed? What do they do, contact you and ask you to do a study; is that it?

Mr. THOMSEN. Yes, they contact the Omaha district and we first will do an appraisal which takes about 2 months. That's to see if we've got a chance of making something work there. If, in fact, the appraisal shows that there is a possibility, we would do a reconnaissance report which gets into more detail on whether we can show it's feasible and the local people are willing to provide the land easements and rights-of-way. That generally takes 6 to 12 months. At that point in time, we would be ready to, if that proves the project, we then would take in the area of 6 months to a year to do the detailed design and this whole process can take anywhere from 1 year to 4 or 5 depending on a couple of things—how complicated the project is and how sound the local support is. As you said earlier, how important that is. We recently completed a project under this authority in Emerson, IA, 1 year from the time that we first came to the city until we were under construction, so it can go fast. It can also go very slow depending upon what you run into.

Senator ABDNOR. Mr. Thomsen, local people have had very limited access to expertise in this area. I assume. What would they do, or who would they call? They need help in planning what kind of structure ought to go where. Is this something they could determine on their own or do they need some help with?

Mr. THOMSEN. It's something they really need some help with in most cases and that's what we're there to provide and that's what the appraisal and reconnaissance studies part of the program is supposed to accomplish.

Senator ABDNOR. Who makes the requests? The county, or individuals, or a group? How do they do it if they want to contact you next

week and say we want you to come out and start talking to us? Who can do this?

Mr. THOMSEN. It works the best if a county board of supervisors or city mayor or council would approach us.

Senator ABDNOR. But 205 projects could do a lot if properly constructed in the right place to alleviate the flooding taking place.

That's the quickest thing we could really come up with in Congress? As I understand it, the locals have to put up rights-of-way and easements, is that right?

Mr. THOMSEN. Current law establishes that the locals provide the lands, easements, rights-of-way and all the relocations requirements and the Federal Government would pay for the construction work.

It also provides that the local people would own the project upon completion and they would have to operate and maintain it.

Senator ABDNOR. That could be quite expensive.

Mr. THOMSEN. It can be but it's all designed into the original project. They know what they're buying.

Senator ABDNOR. Are you lacking money for what you want to do in the United States now?

Mr. THOMSEN. Not that I know of, sir.

Senator ABDNOR. You're in a pretty good position. If somebody would come up with a project that has all the merit and credibility that it should, it could come in line for these dollars kind of quickly if it were properly studied and designed?

Mr. THOMSEN. We have never been stopped in the Omaha district because of a lack of funds, at this point.

Senator ABDNOR. Let me jump back a minute, Colonel Andrews, to where we were. One thing I wanted to ask you, there was a public bill issued on assistance for damaged flood control structures and it indicated an August 10 request deadline. As a result of this hearing today, could we possibly arrange an extension of this deadline like a month from now?

Colonel ANDREWS. Mr. Chairman, because of the importance of this public hearing this morning, and hopefully the better awareness of a lot of people of our authorities, I feel certain that we can make arrangements to extend that date to give people an opportunity to respond if they so desire.

Senator ABDNOR. Well, I thank you, Colonel. I've always found you willing to be fair and to listen and I've just proved the point. I think that's right.

Now, on the nasty side of me. I'm afraid after what I've witnessed down in Congress, I've become very bitter about this whole thing. When I see what goes through my committee I have a hard time remaining open-minded and doing what is necessary when I see three States who are benefiting from the sacrifices my State has made and the unkept promises that have been given us. It's so ironic that just less than a year ago we went through all of this discussion—and I've had some harsh words with the Senators from Missouri, Iowa, and Nebraska, as you probably are aware of—that after that short time, the very thing we're talking about occurs again. South Dakota has to undergo and suffer severe monetary damages to our programs which we paid good money to put in. We've done all of this and then we find we're going to have trouble trying to cover the costs of repairing them.

I've seen projects go in where we pay part of the mitigation, litigation. They don't even know what such an expense is down there on their programs and I wonder how they always seem to end up with the more fortunate situation. I wish they could have suffered a little.

Did they have much damage done to their recreational areas down in Missouri and Omaha? Did they have much damage done? Are they going to pay for all of theirs, too?

Colonel ANDREWS. Along the river there was extensive damage to many recreational areas. I don't have firsthand knowledge of the damage that was done to recreational facilities, say in the Kansas City District, which is outside of the Omaha boundary, but I've been told there was quite a bit of damage to recreational facilities in the lower reaches of the Missouri River.

Senator ABDNOR. Will you supply what information you can for us for the record so I can have it when I go back? I want to show these people. I think I know what it's going to show to some degree and I think it's about time. I saw Senator Danforth on TV in South Dakota with Senator Pressler—I'd like to have had him come here and see some of the pictures and problems that I've been trying to tell him about.

Colonel ANDREWS. We will supply a detailed breakout of what recreational facilities are along the river and to what extent damage occurred. (See p. 66.)

Senator ABDNOR. Would you ask the Kansas City people to do the same?

Colonel ANDREWS. Yes, we will get that information from Kansas City.

Senator ABDNOR. And who's going to pay and how much you're going to pay. Is it 100 percent? How much they're going to pay on partial reimbursement.

Colonel ANDREWS. Yes, sir, we will provide that for the record.

Senator ABDNOR. Do they have the same proportionate share of State-operated recreational facilities; could you tell me that?

Colonel ANDREWS. Well, I'll have to provide that for the record, since we're talking about another district and the way they operate. I would like to say, though, that you're talking, specifically, probably about the Harry S. Truman?

Senator ABDNOR. Yes, I want to ask you some questions about that.

Colonel ANDREWS. That is in the Kansas City District and we will provide any information that you request on that. If, in fact, authorization for that dam and reservoir included total Federal financing of the recreational facilities during authorization and funding, I don't have the answer to that question, but if it did, that's why it's being operated that way. We will find out and provide that for the record.

Senator ABDNOR. Well, I thank you. I listen to this and I wonder if there is really equity in the Corps policy and management of the mainstream reservoirs. I'm wondering if a little more water would have gone down and done a little more damage to the downstream States, they could participate in this overall thing, and maybe we wouldn't have had to suffer quite as much up here. That's what makes it difficult for my people to understand. Flood control is important but some of these other points are very important, too. What is the difference between the Truman reservoir and what we have here. Do we

have a different policy, altogether, for what takes place on the Truman reservoir? Do they have a special provision that they get all this done by the Federal Government?

Colonel ANDREWS. I would have to review the authorizing legislation to determine the wording in the authorization and the funding for the various purposes of the Harry S. Truman versus the six main stem reservoirs. I can't answer that for you this morning but I will provide that information for the record on what the exact legislation and the awarding of the legislation and what it means.

Senator ABDNOR. Good. I knew you were going to give us an analysis. I'm going to keep your people busy for awhile but this is going to be helpful for me when I get into legislation and have to discuss some of these problems. Do you say that you have no authority to help and the State has to pay for the repair of the damage, is that where we stand today on these projects? Is there some way we can convince you that it could be possible the Feds could do it?

Colonel ANDREWS. I'd like to say just a few words about recreational facilities in the mainstem dams. Specifically, since the issue is South Dakota, I'll talk to our program in South Dakota. All recreation areas around the reservoirs are located in the flood control storage area for obvious reasons, because it's close to the water. These areas will be flooded on occasions if there are high waters. For example, last year, 1983, most of the recreational areas at another reservoir, Chadfield Dam and Reservoir near Denver, CO, that entire reservoir was closed from mid-May to mid-July because of high water. The cleanup costs for the recreational facilities at Chadfield in Denver were in the thousands of dollars. These were borne by the recreational sponsor—in this case, the State of Colorado. Their program in terms of cost sharing in the creation of recreation is the same as we have in South Dakota, which is basically a corps-South Dakota cost-sharing recreational development program which was finalized on September 2, 1983. Basically, through a very cooperative effort between the State of South Dakota and the corps, we were able to provide more recreation for this State and the State was able to provide more recreational facilities for the people of South Dakota.

The costs for this program, as of June of this year, our last audit, and we're talking basically about a $7 million program, so far South Dakota has spent $5.9 million and the corps, as of June, has reimbursed the State of South Dakota $2.5 million, reimbursing in terms of their 50–50 share in the program.

The number of recreational areas in South Dakota, the State manages approximately 30 and the corps manages approximately 60 recreation so what we have is a cost-sharing program whereby the State and the Federal Government, the corps in this point, go 50–50. They enter into a contractual agreement. During the construction of the recreational facilities as a joint effort, at the conclusion of the construction of the facility, the facility is turned over to the State under contractual arrangements. The State accepts operational and maintenance of the facility once it's completed. That's one category.

Second is the recreational facilitty where the Corps of Engineers operates and maintains it.

And the third category may be where a recreational facility has not been completed and it's under construction so both the corps and the State of South Dakota have joint ownership, at that time.

If a recreation facility has been turned over to the State for operation and maintenance and we experience high water as we did this year and there is damage done, in this particular situation the State of South Dakota would be responsible for correcting those damages. If similar damages were inflicted upon a corps-owned recreation facility, we would pay for the repair of that. If it's a recreation facility that's not complete yet and both the corps and the State are still working on it, we would share jointly in the repair of whatever damages occurred.

Senator ABDNOR. I heard you talk about the Colorado plan and the South Dakota plan, cost sharing and working together with the corps for some of these projects. You must be aware, does Nebraska have such a plan; does Iowa have a plan; and, does Missouri—Missouri is out in another district but are you familiar enough with it—but have they also entered into such a plan? I guess that's what you're going to supply for the record. That's the kind of thing I want to see.

Colonel ANDREWS. Yes, we will provide the various cost-sharing plans that we have up and down the Missouri.

Senator ABDNOR. I want to make sure that they're participating to in their full extent because they get far more benefit, use far more water. Up here we have a water policy, we have to go through the State to take water out of the river in places. They don't have that. They can take whatever they want to, as far as I can tell. It bothers me a little when I hear these people from Missouri talk to me and I've talked to everyone from their attorney general on down including their Senators, but so far from what I can see, it's been a one-way street that we're trying to make a two way out of to some degree. When we put these projects in, let me ask you, do you recommend the site, or do you make sure they put it in a proper place, or do they pick the site out?

Colonel ANDREWS. It's a cooperative effort in terms of the location of a specific site. Many times those recreational facilities that are going to be owned and operated eventually by the State, they have a particular reason for wanting to site it at a specific location. If there is not some overriding, structural engineer reason why it should not go there and we have no reason why it shouldn' go here, concerning project operation of the mainstem dams and its purposes, I would see no reason why we would disagree. But it's not that the Corps of Engineers makes a decision in the State of South Dakota. It's more of a cooperative arrangement and discussion before specific sites are selected.

Senator ABDNOR. I'm going to have to deal with this constantly in Washington, on the committee I chair, and this repair has to be paid for by the State of South Dakota or have we studied this enough to know for sure in some circumstances the corps could be able to do it?

Colonel ANDREWS. At the present time, my authority, Mr. Chairman, is to repair and restore to use those sites that are corps managed and operated, and those that have been fully turned over to the State, it is the State's responsibility to do that.

I will provide for the record a full explanation and verification of this authority to insure that that is, in fact, the total position of the Corps of Engineers and I'll provide that for the record.

Senator ABDNOR. Let's return to the problems we're here for today in the southeast part of the State. Do we have two section 14 projects

in the Vermillion area? That's what you told us, I think, in your testimony, did you not?

Colonel ANDREWS. Yes, two section 14's.

Senator ABDNOR. I suppose there is a tremendous demand for bank erosion control. I said earlier that I helped get that section 14, obviously that was in effect.

This is a serious problem and in section 14, are we giving you sufficient money for that program?

Colonel ANDREWS. At the present time, we have available funds to use in the investigation under section 14 projects and we are currently, as I indicated in my prepared remarks, we are doing that. As you know, section 14 is of the 1946 Flood Control Act and it authorizes us to assist protecting public facilities from erosion damage. We have not completed our evaluations of the four requests that I mentioned in my testimony. Therefore, I do not know, at this time, what the cost estimates will be. We do know that no more than $250,000 can be spent on any single project. As the evaluations and the conclusions are drawn on the four section 14's, I will be more than happy to provide that for the record to you.

Senator ABDNOR. Good. Thank you. You say you haven't had any requests from this area for 205 programs?

Colonel ANDREWS. At the present time, under 205 we have not received any requests from this area.

Senator ABDNOR. Could you or can you detect any area where a 205 project could be a help to this area or the State?

Colonel ANDREWS. Having not physically viewed the area myself, I can't give you a good answer. I would like to provide for the record, after we've gone back and talked to the people that I've been coordinating with, many people from South Dakota, whether or not we have viewed something that might be eligible, but in the interim, I might ask Mr. Harris, who's been in and out of South Dakota because of the flooding and the emergency conditions, if he has talked to anyone or knows of any interest by anyone under this program.

Senator ABDNOR. I do hope we hear from more people on 205 projects and maybe, having been familiarized enough with what it could do for them, they will. Usually it doesn't involve large tracts of land, does it? The project has to be under $4 million?

Colonel ANDREWS. That's correct, Mr. Chairman, and normally it does not involve a whole lot of land and normally it will correct probably a long standing, future irritant to flooding damage in the future and it's a very good program.

Senator ABDNOR. Would I be asking too much if I asked you to submit to me potential 205 programs that might have some merit or would that take a lot of research and study? I would appreciate it. Again, I'm not here trying to force anything on anyone but I want everyone to be familiar with all the opportunities that might be available to them to help correct the problems you've been experiencing throughout the years. And what little I know about 205, I know they've certainly been successful in some areas of the country and I don't know why they couldn't be here, although I can't look at a map and tell anyone they ought to be here. That's where your expertise comes in. If you could give me that, I'd be most appreciative of it.

Let me ask you about this. One of the problems in the area that I've been made aware of relates to the flooding right around the Vermillion River and last year the corps rejected all requests for assistance under Public Law 93–288 for rehabilitation of damaged flood control structures because these were not maintained to the corps' standards. We might as well talk about this. I know this is on the minds of a lot of people here and what constitutes the corps' participating and not participating and maybe I could ask you to do that.

Colonel ANDREWS. Yes, Mr. Chairman. I believe you're specifically referring to the levee-dike problems in Clay and Turner County?

Senator ABDNOR. All right.

Colonel ANDREWS. And I'm aware of this situation and basically what we had and have today is that last year during similar flooding there were some private, non-Federal dikes that failed. As a result of requests from the owners of the dikes, the Corps of Engineers went to the scene, investigated them and found that by and large the dikes which were a number of years old had not been maintained to the degree that they should have to provide the protection for which they were built. A case in point there were numerous trees, undergrowth, a burrow from local rodents had burrowed and the quality of the dikes had deteriorated to the point that they blew out as a result of the flooding.

What we did this year is we have offered and, in fact, within the next 2 weeks we will be visiting the same sites that we visited last year and last year we told the locals that owned the dikes that if you will show that you have taken certain steps to maintain those dikes, that we would be happy to come back and if you can demonstrate to us that you have taken prudent care in maintaining and operating the dikes from last year to this year, that we would come back and evaluate whether or not the dikes would qualify for 100 percent Federal funding of repair that was done by the flooding this year. It's our intention to visit these sites. Mr. Harris, specifically, and his people and I think you're scheduled for next week, Mr. Chairman.

Mr. ABDNOR. Have you had a number of requests?

Mr. HARRIS. Yes, sir; we have.

Colonel ANDREWS. We have had requests and we have indications that the people involved have the documentation to show us that they, in fact, between last year and this year have done things to maintain or better maintain and shore up the dikes and the levees and, obviously, we'll look at that and a visual view of the structure, we should be able to tell whether or not efforts were made from last year to this year to repair 'em and if that was, in fact, done and this year's heavy rains and flooding washed them out, then we would be more than happy, under this program, to press on.

Senator ABDNOR. You're sure and convinced that this was the understanding, though, that everyone had at the time the dikes were put into being, that they understood that the maintenance of it was to be carried on by the individuals?

Colonel ANDREWS. Yes, sir; I would feel comfortable in saying that, remembering that these are not dikes that the Federal Government or the State necessarily built. These are privately owned dikes and people built them themselves and I would assume that in building them for an

intended purpose that they had, that the maintaining and operating of them would be an integral part of that.

Senator ABDNOR. Even those that they built and maintain themselves, if they have been doing that, are those the ones you're willing to look at again and maybe help with?

Colonel ANDREWS. That is correct. That's what we'll be looking at next week.

Senator ABDNOR. I just want to say once again that if we do nothing else in this hearing, we are going to work to try to find some steps we might take to help alleviate the flooding, whether it's the 205 program or something else. Is that study going to be done sometime next year up the Sioux?

Colonel ANDREWS. Are you talking about the large scale studies?

Senator ABDNOR. Yes.

Colonel ANDREWS. By the end of fiscal year 1985; yes.

Senator ABDNOR. You said there are 26 applications for assistance that have been received and are now being reviewed. How long is it going to take before these people know if they qualify?

Colonel ANDREWS. Within a month from now, the results of the evaluation of the requests should be completed.

Senator ABDNOR. Will you let me know the results when each one is done?

Colonel ANDREWS. We can provide that for the record.

Senator ABDNOR. Just to my office.

Colonel ANDREWS. OK, we'll provide to your office the outcome of the 26 requests.

Senator ABDNOR. All right, very good. We thank you, gentlemen. We do appreciate having you here today and I wanted you to know the feelings of the people here. I'm sure you're going to be with us most of the day?

Colonel ANDREWS. Yes; we'll be with you as long as you would like us, all day or we'll also be here after the hearing to address any questions or concerns that the people have.

Senator ABDNOR. Thank you. That means a lot and I'm very appreciative. As I said, I've always found you very cooperative to work with. I don't always get everything I want but you're at least willing to listen to us.

Colonel ANDREWS. Thank you. Once again, it's a privilege to be here today on behalf of the corps. Obviously, we have four main stem dams in South Dakota and that means an awful lot to us and I know that we are sensitive to the needs of this State and we thank you for your support in helping us do that.

Senator ABDNOR. Thank you. The next witness is Robert Swenson, state conservationist of the Soil Conservation Service. Bob, I welcome you here today. I think I've heard this is where you started out and spent a lot of your time?

STATEMENT OF ROBERT SWENSON, SOIL CONSERVATION SERVICE

Mr. SWENSON. That's right, Senator. I worked here in the late fifties. I almost hate to say late fifties. Twenty-five years ago means more as time goes on.

Senator ABDNOR. You've become such an expert that they put you in charge of the whole State. Well, we think you are a very vital part

of this hearing today and I appreciate your willingness to come down and testify and give us an opportunity to ask you a few questions so please proceed in any manner you care to.

Mr. SWENSON. Thank you very much. What I wish to do today is to discuss soil and water conservation in southeast South Dakota, probably mainly in the disaster area that is known as 23 counties or maybe just a little larger area than that. And the Soil Conservation Service, our people work mainly through conservation districts to help people plan and apply conservation work and, of course, this year we're trying to help people refurbish and maintain some conservation work.

Our main priorities and objectives are erosion control. We also work with watershed protection and flood prevention as an adjunct to that objective. Most of our work we feel should be aimed at prevention rather than correction; in other words, prevention should dominate. This objective this year isn't really possible. We're in a period where repair and correction dominate. We work with quite a number of authorities. I'll discuss some activity we handle with basic operational funds. We call these conservation operations funded through Public Law 46 of the 74th Congress of the watershed protection and flood prevention law.

We have access to funds through section 403 of title IV of the Agricultural Credit Act of 1978 which is Public Law 334 of the 95th Congress for assistance in relieving imminent hazards to life and property from floods and the problems of erosion created by natural disasters that cause sudden impairment of the watershed. This was considered but doesn't apply to any situation we have viewed. We did not view any cities in this part of the State. We did go to an area of severe flooding and rainfall in the central part of the State, Stanley County, on the Badge River.

You know, this year in 1984 again has shown us that one of the certainties in the Plain States is uncertainty. I think we find that out every year. A number of counties in southeastern South Dakota suffered flood and erosion damage. It was more severe than that seen by many residents of the area in lifetimes. That's what they tell me, the worst they've seen.

The main focus occurred as a result of rain that fell from April through June. As we looked at what was happening our eyes focused mainly on the damages from flooding, damage to crops, flooded areas never planted, damages to roads and bridges, damage from silt and sandbars, and damage to fences and some real property. We, in the Soil Conservation Service, work with the U.S. State Emergency Board on disaster assessments and we did an internal review of the area of damages that relates to our specific work with erosion control and upstream watershed protection. Some of the findings are obvious. We've talked about them a lot. They've appeared in the newspapers and other media but I'll note some.

Upland flooding caused by heavy rain falling on extremely wet soils. Throughout much of southeastern South Dakota there are a number of, a great number of shallow, wetlands. Normal years the soil is able to absorb much of the excess moisture and it's only the very bottom of these wetlands that are damaged covering large acreages of land. It was estimated by our people about 300,000 acres of land suffered severe damage from this upland flood. The bulk of this land was cropland.

Much of it was never planted. Crops planted were killed or greatly weakened. Since the rain didn't stop till about June 24, reseeding wasn't practical.

Several of our people noted prolonged runoff from temporary lakes caused considerable gullies and represented erosion damages. It went on and on. I have a little different view of the rainfall. I want to point out the rainfall from three places. I'm using crop and livestock reporting service data but at Mitchell the normal precipitation from January 1 through June 3 is 8.14 inches. This year it was 12.32 inches or 150 percent but behold, from June 3 to June 24 there was 11.02 inches. Normal is 2.81. Nearly 400 percent more during that short period of time. Similar situations were true in Sioux Falls and Yankton. It was dramatic.

As I have mentioned, the first concern was the flooding and the damages from it, but as we continue to look at the area the tremendous damage from erosion became more and more apparent. People talked about it. Sheet and rill erosion of a severe nature was noted on 2.7 million acres of the 11.7 million acres we looked at. That was in 26 counties.

These damages, of course, are not the only damages to the land where the soil is voided. There are also secondary damages with the sediment filled streams, lakes, road ditches, and such things and, of course, there are also suspended materials that go on downstream and cause damages there.

As we viewed this scene another proportion began to show itself and that was the fact that there were good, positive results of conservation measures that had been put in place and that were maintained properly. There were areas of land where terraces and grassed waterways and good crop rotations were placed that handled the deluge very well. We noted in many cases conservation tillage was a great help.

Another element receiving attention later was the projects completed in watershed areas. There were some very vivid examples of the excellent flood prevention that occurred as a result of these types of projects. I'm eluding to Silver Creek Watershed north of Sioux Falls, immediately north of Sioux Falls where the landowners have installed conservation measures on the uplands. This was followed by the installation of small dams that trapped water. They put in six such dams. The dams release it slowly and lead it to the main stream which, in this case, is the Sioux River.

I was through that area last Saturday and saw how they're using that territory. I've got a little information on that chronologically that I'd like to relate.

Senator ABDNOR. Go on.

Mr. SWENSON. Some of us can remember 1957. Some of the people in this room were around then. On Father's Day, that's I think June 17, heavy rains were received in that watershed 5 to 7 inches. There again, flood control or prevention, at that time. I remember that it rained 11½ inches at Hartford that day. There was severe rains in the Centerville area and so forth, Hurley, Parker, and in that territory. In 1968 and 1969 over 100 inches of snow were received which produced heavy runoff but by that time four of those flood control structures had been put in, in that Silver Creek flood shed. The dams held the runoff. In

1982 on August 4 and 5 they had their best test as to the effectiveness of the watershed project. It had been completed in 1974. They got heavy rains that covered the watershed and it handled it. They only had minor flooding and so help me this year in May and June, this is the wettest June and the wettest 6 months on record for that part of the State, according to the Sioux Falls Weather Bureau. The continuous, hard rains produced about 10 to 20 inches depending where you were in the watershed, and the six dams provided the flood detention of run-off water and no emergency spillways had to flow. There was a mixing of the waters in the lower end between the waters from it and the Big Sioux River. In other words, the Big Sioux River backed up.

Senator ABDNOR. What's the name of that watershed?

Mr. SWENSON. Silver Creek watershed north of Sioux Falls.

Senator ABDNOR. Virtually was flood free?

Mr. SWENSON. Generally, flood free, some mixing of the waters at the lower end. It functioned as planned. We had similar information from the Pateek watershed in Lincoln County and some information like that one the Brule Creek watershed which isn't really finished and we are working on a structure in Union County right now.

Now, there are other watershed projects in the State in various stages of development. One of these is near here. It's northwest of Vermillion called the Turkey-Clay Creek watershed. A little bit of it is in Hutchinson County, a little bit in Turner County, most of it in Yankton and Clay Counties. If it's installed, it would provide flood protection along the float plain on the creek.

The damages appear to be severe again this year and I have noted that they were severe last year and in other years. Planning for this watershed was authorized in 1975. I signed the agreement on the plan in April 1784. That's 9 years elapsed. A lot of work went into that plan during that period of time—many public meetings, much discussion. We followed the current rules. You would call them the principles and standards that were developed by the Water Resources Council. That was the thing of the time and that's what was used in its entirety. That's printed in the watershed plan.

Senator ABDNOR. To get by that, you had to have a pretty good program, too.

Mr. SWENSON. The local people worked with that diligently as did we, and we followed the guidelines in those principles and standards quite well, including the public participation. There are 252 square miles in that square shed; 252 miles don't mean much to me. Seven townships or equivalent to about seven townships start to mean something to me. Thirty-six sections in a standard township, that's about the size of it. There are about 11½ townships in Clay County, SD, today. That will give you sort of a size of the area. There are about 29,700 acres of cropland damaged each year in it. I was through the watershed area yesterday and viewed the uplands, flood plain particularly, and looked at what the plan construction might be there if it became reality. There are nine floodwater retarding structures and nine that are called——

Senator ABDNOR. What do you mean by that?

Mr. SWENSON. Floodwater retarding structure is a dam. That's what we ought to call them, dams that hold water that hold floods. You stack the water to one spot instead of spreading it all over. There are nine that are planned.

Senator ABDNOR. Planned?

Mr. SWENSON. Nine that are planned.

Senator ABDNOR. How many acres does that entail?

Mr. SWENSON. I can't tell you exactly. I have it in the watershed work plan. I could look it up and furnish that to you. It is published. There are nine sediment control dams within the territory. They would control a great deal of the sediment and then there would be improvement of the main channel about 10 miles, a little over that, and then there would be 55.3 miles of lateral leading into that. The installation is planned for a 10-year period but I want to talk about that just for a second. Some of the other watersheds I've looked at and that I know about in the past start to receive benefits just about as soon as construction starts. What's put in first, the dams. It's not very sensible to put in the main and lateral and so forth first because you want to protect the lands above and keep the sediment and so forth out of the main stems, but every time you put in a structure upstream, it does relieve some flooding. What if a storm occurs above that structure? You could end up with very good control. I'm simply saying you start to accrue benefits as construction occurs. The project installation is planned for a 10-year period. Where are we? I said that I had signed an agreement with the sponsors, that's the conservation districts in the four counties, watershed board of managers representing the people as elected officers there. Local responsibilities are to install and maintain the conservation treatment, obtain the land rights that are needed, and to develop a financial plan to accrue money for local costs.

We have essentially done the work that leads to the plan in concert with the local people and the next step, of course, would be for the financial plan to be developed and then hopefully, at that time, we would be ready, if the case came to pass that Federal funds were made available through your committee or whatever the case might be, at that time, but what I'm saying is that we have seen a watershed, the Turkey-Clay Creek watershed where sediment has dumped into the creek over a period of time. It's happened time and time again. These people have worked on it since I'd say from near the beginning of this century and they're still working on it.

Let me move on. I still think we need to look at prevention. The watershed projects are flood prevention. That's how I perceive them. That's what they were thought of originally. I believe they work that way. What can we do now in all of the things that we might be able to do? Well, there are conservation measures that weren't maintained. There are grass waterways that are high in the middle. The water is supposed to run down the grass waterways. It ran on both sides and now there is a gully on both sides. We can help provide technical assistance with that.

There have been requests from many of the counties for help through the Agricultural Conservation Program and Emergency Conservation Program administered by the Agricultural Stabilization and Conservation Service. We provide technical help for a number of the conservation practices that are handled through these programs. As an example, there are a number of farm ponds in one of the counties that have been damaged. Through these programs, provisions would include restoring the dams to present flood or present storm configurations.

I have learned that the State of South Dakota, through its interim appropriations committee supported by Governor Janklow has appropiated funds to hire 16 people to help with conservation measures over the next several weeks. These people, as I understand it, will be employed by the division of conservation in the South Dakota Department of Agriculture. They will work with conservation districts and will be supervised by Soil Conservation Service people in our office. They should enhance our ability to handle work that should be done this fall.

Let me summarize briefly: The first 6 months of 1984 were a time of heavy rainfall which resulted in severe flooding and erosion. While the damages were severe, there were large areas of conservation measures that did a proper job of erosion control. There were also watershed projects that functioned as planned and provided for flood prevention.

We are in a period of time when we need to look at the damaged area and make the repairs that are necessary and then we need to prepare for the next season by installing those measures that will reduce erosion and its effects, as well as prevent and control flooding. The Soil Conservation Service, in cooperation with conservation districts and others, will participate fully in this work as outlined in the authorities and budgets that we have available. We have an office in nearly every county seat. People can discuss their needs with our district conservation so that people that are staffed there, we'd be pleased to help.

Thank you for the time. I appreciate the chance to be here. Are there questions?

Senator ABDNOR. Yes; there is, and first let me say thank you for coming. I think this subject has to be discussed. We didn't come here to push any program down anyone's throat. I just wanted it fully understood and the options available.

Let me say of our reporter, I forget about the strain she's under there. Sometimes in Washington they alternate. She hasn't had a break. Let's go off the record a second.

[Off the record discussion.]

Senator ABDNOR. OK, Mr. Swenson, for the record, what is the status today of the Turkey-Clay project? Where are we?

Mr. SWENSON. I'll have to speak from the standpoint of the Soil Conservation Service. We have finished the work that we had outlined to do in developing a plan in consert with the local people. It's at the point, as I understand it, where the local responsibilities are under consideration and the main responsibility that I perceive from what I have learned locally is that the development and approval of a financial plan is the main subject matter now. As I understand it, there was a financial plan proposed sometime back and that the financial plan was not approved and that subsequent to that, activities are taking place by the local sponsoring organization and I believe those people would be the ones that would have to answer questions beyond that.

Senator ABDNOR. In your judgment, it's more of a financial problem than it is that someone is losing sizable amounts of wild land?

Mr. SWENSON. From what I have learned, and of course I get things secondhand through my people who are working on surveys and so forth, or have worked on surveys in the past, that there haven't

been negative points raised, for example, by the people in the uplands who have sites for dams and so forth.

Senator ABDNOR. That isn't one of the real stumbling blocks?

Mr. SWENSON. Right, that isn't one of the stumbling blocks.

Senator ABDNOR. Once again, in your judgment you are speaking about what the Silver Creek watershed has meant to that area around the Sioux Falls country and the Patee watershed.

Mr. SWENSON. Yes; I guess that's why I have sort of a feeling for this type of thing. It works on sort of a total concept. You aren't fragmented in working toward flood prevention. You take a territory or you take a point to which water drains and work to that point and you work on the erosion control and the flood prevention and everyone can have a good idea of what is planned, what is intended and it can find ways and means to try to reach that end.

You know, we work with volunteer programs and as one of my friends so aptly said yesterday, you know, that it takes a pretty thin sheet of paper before you don't have two sides to it.

Senator ABDNOR. That's a good point. Let me ask you this: How much money would you estimate has been spent so far in planning this project?

Mr. SWENSON. It's difficult for me to say because there is some dilution of moneys. I use a figure of about an investment of about $750,000 but that includes a great deal of technical surveys. It includes the use of some drilling rigs. It's a large investment over a long period of time.

Senator ABDNOR. That's what's been spent so far, you think?

Mr. SWENSON. Yes; I will furnish you a firm figure on that at a later date. The reason I say that's diluted, whether we work in a territory we'd be working with the Turkey-Clay watershed but we also may have part of that crew working with the Union Creek watershed on a part of it or something else, so I've got kind of an amalgamation of funds, Senator, and I don't have the data with me on how they would separate out.

Senator ABDNOR. Do you have any idea what this project would cost in its completion?

Mr. SWENSON. Well, as I perceive it, the watershed plan shows the cost of installation of structures at about $10,300,000 of which the Federal costs are about $8½ million, and then, of course, there are additional, some additional costs that could accrue. The benefit-cost ratio is about 1½ to 1. In other words, the benefits are measured so that about one and a half dollars benefit would accrue for each dollar spent. Now, that's taking all costs. If you looked at what is to be used locally, the benefit-cost ratio works out to about $9 again for each local dollar spent.

Senator ABDNOR. Yes; because you take out the $8½ million that the Feds put in, right?

Mr. SWENSON. Yes. Well, you can't do that. In the sense of an economic evaluation but, you know, sometimes an interested person can use the figures in that way because that would be a local benefit rather than a regional benefit. The regional benefit would have to start to include all of the Federal.

Senator ABDNOR. As I recall, looking back on those watershed projects that the committee approved, 1.5 to 1 is a very good ratio; is it not?

Mr. SWENSON. Well, I think it's outstanding.

Senator ABDNOR. Yes, it's better than anything I've been looking at from Illinois and all the others.

There is a group called the Landowners for a Better Plan. They've stated the tax assessment will not be adequate to cover the costs of project operation and maintenance. What are your thoughts on this?

Mr. SWENSON. Well, I suppose there are many options and ways to think about that but essentially there is an amount of money that would need to be, what's the word, put together to handle a project of this nature. There are estimates in the plan that were put together during the planning process. The local sponsoring organization and the people, of course, can take that information or information that they wanted to put together and develop a ways and means to do it. There is one thing about it that sometimes looks a little different. As you work with one of these it is kind of a 10-year projection so let's say we're building a dam. When it's new, most of the time it doesn't require much operation and maintenance cost. Anyway, you need a little maintenance and as you move through the life of one of these, then the maintenance costs start to rise. So what I'm trying to say is that a lot of the time you have an opportunity to collect the funds and so forth for the maintenance and I don't have any idea of what the financial planning, thought process is other than I know that they are diligently working toward accruing the funds that are necessary to maintain the project as their part of the agreement.

Senator ABDNOR. Isn't it extremely difficult to really get a hold on this, what they can lay out in black and white, what it's going to cost?

Mr. SWENSON. Exactly, but there are projects in the watershed plan that give a good idea for that.

Senator ABDNOR. We'll hear the other side this afternoon. Do you know how much the average tax per acre in the watershed is now?

Mr. SWENSON. There would be people in this room that would have to furnish that information. I didn't look it up but I would always work in probably the $5 to $8 range or something along that line.

Senator ABDNOR. Maybe we can learn that from one of the witnesses.

Mr. SWENSON. I think so. I'd have to go to the local director but that's the range.

Senator ABDNOR. Let me ask you this: Are you working on other watershed projects for South Dakota, at this time?

Mr. SWENSON. We are working to complete some projects like this. I mentioned the Union Creek watershed in Union County and it's a large grade stabilization structure over there that two or three of our people are working with right now. It's largely a concrete structure. We finished last year and the year before last, excuse me, the Spring and Bow Creek watersheds in Charles Mix County, and we have what I would call a new type of watershed project that we're looking at and it's on Slipup Creek in Minnehaha County. I think you know where that is.

Senator ABDNOR. Well, then, let me ask you, the watersheds in the past and the ones you're working on for the future, is controversy within the watershed district common?

Mr. SWENSON. I have found that each one of the watershed districts that I've been acquainted with, that there generally has been some discussion, is that how you say it, to reach compromise? I guess that's the

easy way to say it. The Silver Creek watershed that I mentioned had a longstanding debate. I believe it was on a structural site. And that was ultimately solved.

Senator ABDNOR. Are they quite amenable now?

Mr. SWENSON. The people I spoke with in that territory were proud of their project. That's what I understood was how it started out. They're proud of the results, particularly.

Senator ABDNOR. What benefits might result from the Turkey-Clay project?

Mr. SWENSEN. Well, I believe that we all participate in what I will call repair work and it depends upon what you are repairing: Roads, bridges, and things of that nature, if they are something that comes under the auspices of the county government. I suspect that Clay, Yankton, Turner, and Hutchinson Counties would have records that are handled by county moneys. I guess we all use our tax moneys for that purpose and you can run many parallels along that line as to where we all participate.

Then we get into State highways or federally funded highways and, of course, the thing gets larger but I think we all participate to a degree; therefore, we all benefit to quite a degree when the positive things happen.

The other thing that is interesting and that is, you know—I don't know if anybody likes to ride roller coasters; I don't—and sometimes when you have very changeable conditions for the production of crops and other things, you generally have a financial roller coaster. This adds to the other kinds of financial roller coasters that you can get into and if, you know, the stability of the land being able to consider yourself somewhat of its capabilities or what it can be capable of has a lot of merit locally and that spreads to a fairly large local area.

Senator ABDNOR. You've been looking at this you said since 1975. How many years have we had damage in this district? How many years have they experienced flood damage?

Mr. SWENSON. Well, I suppose I would say that there were three that——

Senator ABDNOR. Out of 10?

Mr. SWENSON. Three out of ten that would be high level or whatever you call it, and then I think there would be varying things there and again you'd have to ask locally. That's the information I have but you've got to remember, when we planned the watershed we kind of planned as though the deluge is over the whole territory and you have severe rains in a portion of the territory and this is looked upon locally, you know, as a severe flood, but it may not cover the whole entity is what I'm trying to say.

Senator ABDNOR. Well, very good. Mr. Swenson, I appreciate your being here. I hope you, too, will stay around for the rest of the day because of your great interest in the project. You can hear how the people feel about it today and I know we'll get that opportunity so we look forward to seeing you after lunch.

Mr. SWENSON. Very good, sure. Thank you for the opportunity.

Senator ABDNOR. We have reached 12 o'clock. We've had a pretty intense 2 hours. I know some of you are anxiously awaiting your turn, which we want to give everyone, but we want to break, at this time, and hopefully our reporter will have a chance to have a break for her-

self. I think we'll recess now until 1:15 for lunch and we'll see you all, at that time.

[After recess.]

Senator ABDNOR. The committee will come to order. The chairman apologizes here for keeping you waiting. I hope we didn't cause you too much inconvenience. We'll resume with a panel existing of members of our State legislature, Roland Chicoine, a representative from Elk Point, and Carrol "Red" Allen, you live in Yankton now. All right, gentlemen, we're happy to hear the views from the State legislature on this particular problem. We'll turn it over to whoever wants to go first.

STATEMENT OF HON. ROLAND CHICOINE, REPRESENTATIVE, SOUTH DAKOTA STATE LEGISLATURE

Mr. CHICOINE. Thanks, Senator. Can you guys hear me in the back of the room now? I'm used to turning around and looking at people, not having my back to you, so if you can't hear, why throw a shoe at me or something.

Senator ABDNOR. You can take that off and just hold the mike.

Mr. CHICOINE. That might be better. Welcome to South Dakota, Senator, and your task force. We have had several task forces coming into southeastern South Dakota and looking over our problems since we've had this big flood last spring and I hope we get more out of this task force than we have the previous ones. Some of the previous ones I think they could have just as well stayed in Washington for what they accomplished.

Senator ABDNOR. Well, let me say this, one of the biggest problems I've found is that you've got to get a majority of the people thinking one way. It's pretty hard to come in here when you've got opposition. We've lost Oahe that way and we get opposition among ourselves and that's not the way you pass legislation in Washington, having two groups from South Dakota screaming at each other. I hope we can come up with something that represents a pretty fair consensus. I'm sorry I interrupted, I know everyone wants improvement but you can't have everybody fighting on different sides and expect me to go back to Washington and say this is what the people of South Dakota want.

Mr. CHICOINE. We tried to tell them what we wanted but they didn't hear.

Senator ABDNOR. Sorry to interrupt you.

Mr. CHICOINE. Bob Neufeld from the water resources division did a good job of outlining some of our losses so what I would like to start off with, being from southeastern South Dakota and we're in kind of a unique situation down here because we have the Missouri River, we had the Jim River, and we have the Vermillion River and we have the Big Sioux River all within a few miles of one another. And let's start off with some of the problems of bank erosion on the Missouri River first.

Dams are a great asset to South Dakota and to the whole Midwest but it's kind of ridiculous to think that we spent a lot of money with bank stabilization from Sioux City, IA, clear through to the mouth where it enters into the Mississippi and we left 59 miles of uncon-

trollable river between Sioux City and Yankton, SD, and I look at that as being just exactly the same way. If we had a 59-mile stretch of unfinished interstate, what would our transportation system be if we had 59 miles of unfinished interstate. And that's just exactly what we've done with the Missouri River. We finished it all and so why not finish the project and then we could receive some of the benefits that everybody else has from having the stabilization of the Missouri River.

In the Jim River we've got the same problem. The banks are eroding on all three of the rivers. Now, the Jim River, we hope the State is finally starting to do something with that and the State is putting in two dredges into the Jim River to do some good and so I'm not going to address that. I'm sure somebody else will address that further on this afternoon.

I would like to spend a little more time on the Vermillion River and the Big Sioux River. You know, in listening to the corps this morning, it's—We're losing hundreds of acres a year on these three rivers with soil erosion and it seems kind of odd that if we had a boat ramp or a cabin on those rivers where it's eroding, that that becomes emergency. And we're losing this land, like I said, 100 acres per year and that's not emergency. I just can't quite savage that because once this land is lost, it's gone forever, where you can rebuild a cabin, you can rebuild a boat ramp, but this land, when it's gone, it's gone forever. It ends up down in the gulf where it's not good to South Dakota. I wish we could address some of our problems, what is a problem.

This passed 2 years we've had enormous amounts of floods on the Big Sioux River. I'm addressing that more than the Vermillion River because I'm a little more familiar with what's happening on the Big Sioux River after having about 750 acres of crops lost this year on the Big Sioux and last year and we're looking at another year before we can get a paycheck off of that land. Why, it kind of hurts. Since we've been having problems with the Big Sioux River, back in 1944, we had formed a group of farmers and business people to try to do something on the Big Sioux River so we've been studying and restudying and studying some more the Big Sioux River since 1944. Since that time, in the last we've lost 10 crops since 1960. Six of those has been real bad. Since that time in the last 15 years we've had three 100-year floods and one 75-year flood in the last 15 years so we really should be safe for a long time ahead, but that doesn't happen that way and why is that re-occurring and I'm sure if we looked at what is happening and put the floods on a chart, we would see that they just continually are getting worse every time a flood happens. Why is that?

We're cropping our land much heavier than we used to and we've got big equipment, every pothole in southeastern South Dakota is drained and that all comes down into the river and so, consequently, we, in the bottom of the rivers, are getting much more water than we ever used to.

The old saying, after that water leaves the hill farms that it's not their problem anymore, it's our problem, and it's not their water, the water has a habit of losing its identity the minute it leaves my farm. It's not my water anymore. And so that is some of the problems we have to address. What is the solution? Well, we heard part of the

solutions from the corps this morning and from the conservation districts. But they really didn't tell the whole story. It's real easy to say, well, sure, we're going to go out there and build that dam and construct those dams and this is the first time I've heard of a 205 permit. Never heard that before and I've been on the Big Sioux River all my life. But that could be a big solution.

If we would go up on these little creeks and build low-lying dams, that we could eliminate a great deal of our problem, but the only problem is to get the guys up on those little creeks and waterways to do that because they're not in favor of taking any of their land to put behind those dams and losing that ground. So, consequently, they're not built because, like I said a little while ago, that guy up on top of the high ground, after that water is gone he could care less to what happens down below and that shouldn't be. But I think if we could get with the corps and the conservation group, to go up into those areas and build a lot of those low-lying dams, that that would really help.

You know, we tried to work on the Big Sioux River back in 1944. In fact, it was approved by Congress and not funded simply because we could not reach an agreement with the Fish and Wildlife people and the conservation groups and they thought that straightening the Big Sioux River would be nothing but a slushing, and that isn't true.

The corps has done a little work on the Big Sioux River and it's beautiful. You ought to go up on the Big Sioux River now above that project and look at all the trees in the river and the bank eroding and there is not much wildlife left. It's all gone and so I think we can work together with the corps and with the conservation groups to solve some of our problems and we hope to be able to do that. In fact, we had a meeting over in Akron. We've had two meetings lately over in Akron on the Big Sioux River where the corps people have been there and we're in the process of trying to do something and now we're, I hope to be able to sit down with the conservation groups, the Fish and Wildlife people because I know that the mitigation problems are a lot greater now than they were back in 1964 when we were going to get something done and so we should be able to sit down and iron out some of our problems before it happens. But that's what I see as part of our problems, that we need the help of the corps. We need the help of the conservation groups and we need somebody with authority to go up in these creeks and say we're going to put a dam here and do it.

Sure, that person doesn't like to lose that ground but I think he wouldn't object if he was paid for it. Somebody has got to buy that land to put that there so it comes down to local effort and it's pretty hard to get somebody from town to agree to go out and buy a dam, and so I would like to stop now and ask any questions and I hope we can open this up to some questions from the audience afterwards.

Senator ABDNOR. The only thing we're restricted by is the time limit. Did Colonel Andrews return? Would you mind sitting up here in case we'd like to ask you some questions. I'm curious myself about how much litigation they had on those 205 programs, how much land average is taken out. I'm sure there is a lot of people in the audience today that aren't familiar with the 205 program.

First we'll hear from Senator Allen.

STATEMENT OF HON. CARROL ALLEN, SENATOR, SOUTH DAKOTA STATE SENATE

Mr. ALLEN. Thank you, Senator Abdnor. My testimony will be a little different. My concerns are with the loss of land due to the flooding to the individual farmers and their dire straits that they're in right now. If you want to talk some more about those rivers, I think Roland here can handle that and the gentlemen here from the Corps of Engineers. If you want to talk about that I'll wait until you finish then.

Senator ABDNOR. No, you go ahead.

Mr. ALLEN. I'm Senator Allen from Yankton, SD. As Senator Abdnor knows, I have represented Charles Mix County, Aurora, Brule, and Buffalo Counties. I've also represented Bon Homme County and Douglas County before it was reapportioned in 1981 in South Dakota, so my district has covered half of the Missouri River in the State of South Dakota from Lyman County nearly to Yankton County, so I know a little bit about what's happened on the Missouri River. I have been a little disgusted over the last 40 years living in Lake Andes with the cooperation we've had with the Corps of Engineers. We've had a lot of bank erosion south in the Greenwood area, as well as you probably well know, Senator Abdnor. The bank erosion we've had down there and it took a long, long time. It seems like anything we ever want to get done through the Bureau of Reclamation or the Corps of Engineers is a 25-year project and you can lose a hell of a lot of land from erosion in 25 years. You may not have anything left to pay taxes on when you get all done.

To start off with, the farm economy in the State of South Dakota and I'm sure that you've heard a number of times in your hearings around the State that we have, I think the press has said that we've got 1.1 million acres of land that's under water in those 23 counties in the State of South Dakota. It averages from 55 percent down to 8 percent in some of those counties. Now, a number of those acres, the water has subsided now. Some of those acres were planted in July 1 to July 20. They have planted to corn, beans, millet. As you well know, our average frost date is somewhere after October 1. It can be before that. It can be later than that. But an average frost date is somewhere around October 1.

Now, with all those acres that have been planted and if we do have an early frost, those are going to be totally lost. All those are going to be expenses to the farmer. They won't be able to salvage anything out of that. A number of the farmers that we have in the area have already sold their livestock, especially their cattle. If you have a corn crop that is soft, your corn, you could normally cut that for silage. If you don't have cattle, it's not going to do you any good, so it's a total loss.

We're really concerned in the State of South Dakota with this loss in the southeastern part of South Dakota. With the revenue, we have a number of bankruptcies. I was talking to one of the bankers in Wagner, SD, the other day and I think he's had 15 bankruptcies in that area alone. We're concerned about the bankruptcies, foreclosures and loss to the farmers of the State of South Dakota. They buy the new machinery, new trucks. They buy the new cars. They buy their

clothes for their kids to go to school. And if they aren't out there on the farm, we're going to be in dire straights here in the State of South Dakota.

I'm probably closer to the farmers than a lot of people in here are. As you know, I've been in the custom harvesting business for 20 years. We're now in the fertilizer business, seed business and in the fuel business so we get all aspects of it and we know what's going on in the State of South Dakota, in this area. So with that, they said I could have 5 minutes and I've probably taken that much time so I would like to have, when you take public testimony from the people out here, that they let you know what they think needs to be done. I understand that it was a portion of the farm bill in 1981 that was passed where there was some money available for direct payment to farmers. I think it was Senate bill or Public Law 97, 98. The only time it's ever been used was in the drought in the State of Texas. I think that's an area we need here in South Dakota. Not everybody needs that but some of those people that have been flooded out the last 2 years that don't have any money coming in are in sure need of those kinds of moneys coming in as direct cash payment. We don't need anymore loans in the State of South Dakota. We've got all we can handle. We can't pay those back now so we don't need anymore loans. Thank you very much.

Senator ABDNOR. Thank you, Senator Allen. Let me say, I'm very concerned about the farm economy and I know what's happening and this committee is familiar with it. But, I must say that this committee doesn't deal with the farm program. Maybe afterward we can discuss that, but I am very concerned. I'm the guy that dug out that provision that Red's talking about. It was used only once in Texas. What bothers me is that I wrote letters to all of the Members of Congress who, I assumed, were going to get forcefully behind this and help put pressure on them. It's just not South Dakota that suffered from the flood; it's Missouri, Nebraska, Iowa, but for some reason it hasn't generated the support that I was hoping it would. I had two sessions with the farmers and I am well aware of the seriousness of this. I know farmers can't survive a year without crops. I've been a farmer myself and 20 years ago you could take a loss like that if you had to but to take one now is almost impossible, and to have two losses in a row is even more impossible. I wanted to ask the colonel, while we're on that subject, does the 205 program involve large tracts of land that are taken out of production? As I understand it, they're not. Is it?

Colonel ANDREWS. Not necessarily a very large tract. That's why 205 is entitled Small Projects Flood Control, so we're not talking about a piece of land the size of say what's required for one of the main stem dams.

Senator ABDNOR. Nothing like that?

Colonel ANDREWS. No.

Senator ABDNOR. Does it often take up several square miles?

Colonel ANDREWS. Let me think back. We just completed one in Emerson, IA, and do you recall the acreage involved there?

Mr. THOMSEN. Probably two or three.

Colonel ANDREWS. Two or three acres. Section 205 in Emerson that we just completed.

Senator ABDNOR. Who pays for that two or three acres? Is that part of your $4 million project or is that up to the area that furnished that?

Colonel ANDREWS. That's up to the local sponsor. The local sponsor provides all land, easements and rights-of-way necessary for the construction of the project.

Senator ABDNOR. I suppose they form a district, do they?

Colonel ANDREWS. Well, normally the project must be sponsored by a local interest group, local interests being a city, a county, a State or other governmental unit. They get together and determine something needs to be done as an entity and then they contact us with their proposal and that's how the process is initiated.

Senator ABDNOR. It's easy enough to get initiated but what if you've got five acres of pretty good land, bottomland, but still farmable, raises a good crop, how do these people raise the money to reimburse the guy who loses the 5 acres? Does he volunteer it or what? I'm a little surprised. Do they have the power to tax? Can they give donations or how would they obtain that land if a gentleman wanted to sell it instead of giving it away

Colonel ANDREWS. That's a difficult question because it's different in any case. Let me ask Arvid if he can reflect on some other 205's we've had.

Mr. THOMSEN. Sometimes, as you indicated, it is a special district that is formed under the State statutes and they do tax each other, in order to provide the local—the money required for the real estate. Keep in mind also that that group has to remain active because they have to operate to maintain that project.

Senator ABDNOR. Right.

Mr. THOMSEN. Oftentimes, it's taken out of general revenues if it's a city that supports the project. Oftentimes, it comes from the county general revenues if the county is the local sponsor for the project. It really doesn't make any difference and it happens in different—I guess most of the time on small projects we're talking about small towns and, therefore, it's usually the city that takes on the responsibility and it comes out of their general revenues. Oftentimes, though, in many of the States they do get assistance from the State in terms of either grants or loan from the local share. The State of Nebraska is quite active in doing that and really helping out the local folks to provide up to 75 percent, in some cases, of the local share.

Senator ABDNOR. The corps does offer assistance in attempting to find some means of financing in working with the district, and you might come up with different answers for different places, I suppose?

Mr. THOMSEN. We relate our expriences in other places and things that have worked and see if they can't work something out.

Senator ABDNOR. I see the representative has a comment.

Mr. CHICOINE. That is fine if you've got a city or county or somebody to come out and buy that land but how about the farmers? Farmers right on down the river are the ones that need the help. We're not talking about a town. We're talking about a group of agricultural people that need assistance.

Senator ABDNOR. I think that's what you're talking about, isn't it? You said the town helps.

Mr. THOMSEN. Section 205, because of its $4 million limitation, is usually used to protect a small area that's very densely populated. That's where it's usually used, not in a rural area where you're talking farm entities.

Senator ABDNOR. Well, then, we're wasting our time.

Mr. CHICOINE That's what I think.

Senator ABDNOR. Are we not? Is it just for towns?

Mr. THOMSEN. It's not just for towns.

Senator ABDNOR. Could people with flooded farm areas enter into a deal like that?

Mr. THOMSEN. We could initiate a study to see if we could make it work.

Mr. ALLEN. Is this some kind of a project that might work on something like the Menno Dam that went out or something in the hill country that a county may participate in?

Mr. THOMSEN. Yes.

Mr. ALLEN. And there is $4 million available for those kinds of projects if they meet specifications?

Mr. THOMSEN. That's the Federal limit, $4 million.

Senator ABDNOR. You apply some cost benefit to it?

Mr. THOMSEN. That's right.

Senator ABDNOR. The cost of that $4 million has got to show more benefit coming out of it than the $4 million put into it?

Mr. THOMSEN. That's right, Senator Abdnor.

Mr. CHICOINE. The Big Sioux River has been studied, the dams have been studied and restudied and we're talking about big construction dams and they were never proved feasible because of the flatness of the area that we're talking about, but our big problem in this area comes from little creeks and not necessarily little creeks in size but not in volume and then as those waters come out of the hills, then it piles up on the bottom. Now, for instance, we have in Union County, there is probably six or seven severe creeks that come out of South Dakota and I'm sure there is that many that come out of Iowa and they're the ones that are causing us the problem. If we could go up on there and build some low-lying dams and get the Fish and Wildlife people and the environmental people to agree and somebody to build those, we would be helping everybody.

It is true we still would need some channel improvements but with the channel improvements and with the dams, I think we could solve our problem. But if we've got to wait to get a town or somebody involved to build these low-lying dams, like I said before, as that water leaves that hill it's no longer the hill people's water, it's the people in the bottoms water, and what happens on the bottom, the hill people could care less. But somebody has got to go up there back in those hills and buy 2 or 3 acres and build these dams. The conservation people have been doing a fair job of trying and they've built a couple but they're too long in coming. We need some drastic changes made right away quick.

Senator ABDNOR. Well, let me go back to bank erosion. The Omnibus Water bill we hope to get passed, and I'm not saying with the short time left we're going to get it done, includes a $15 million authorization for streambank erosion control. Let me say, it would take more money than the corps gets to build all their projects right now. Am I correct in saying it is an extremely expensive program? But it's a problem we've got to deal with and that's why we have it in this legislation. The House doesn't have it in their bill but hopefully they'll go along if we ever get the confidence on this.

Well, I think because of the time factor I've got to move on.

Mr. ALLEN. Thank you.

Senator ABDNOR. Why don't we keep you up here in case they want to ask questions. Our next witness is a representative of the James River, Don Welby. While we're getting ready, I'd like to announce for the record that the testimony of State Representative Mary Edelen will be included in the record without objection. (See p. 72.)

STATEMENT OF DON WELBY, LOWER JAMES CONSERVANCY SUBDISTRICT

Mr. WELBY. I'm going to introduce our county commissioner from Yankton County, Ben Van Osdel, and the manager of the Lower James River Conservancy Commission, Don Barber.

Mr. VAN OSDEL. Ben Van Osdel, last name is V-a-n-O-s-d-e-l.

Mr. BARBER. Don Barber, Lower James Conservancy Subdistrict, spelled just like you cut your hair.

Mr. WELBY. I guess you got mine. I'm not a very good speaker so I wrote this out just as I thought I would—better get my glasses.

I am appearing before you today on behalf of Dennis Sundleaf, Heine Farms, Lawrence Nelson, Mike Luken, Amy White, Ray Magorien, and Howard Magorien, Chuck Schlaffli, and Frank Brady and myself and others of my neighbors who have been adversely affected or threatened by the James River.

The amount of damage this river did in 1984 was enormous but it is in 1985 and beyond that threatens even worse damage to those mentioned and many others if something is not done to curb the erosion we have been experiencing.

The James has been in need of bank stabilization since Gavins Point Dam was put into use. It is my opinion that the banks of the James should have been rip-rapped or protected in some other way before the flow was altered by the regulation of the flow of the Missouri River. There was never any problem with the James River before that was done.

As a matter of fact, the house on my property sat not more than 20 feet from the river's edge from 1890 to 1960 when heavy snowfall to the north caused the need for the James River to carry more water than usual. By shutting off the flow of the Missouri at the dam, the James was allowed to run so fast and caused the whirlpools. It was clocked, at that time, at 35 miles per hour by the Corps of Engineers. The depth of the river below the highway 50 bridge was measured at 40 feet.

I quote from an article published in the Yankton P&D on April 7, 1960:

> **The water is shooting out the mouth of the James River into the Missouri River at such a rate that it can be seen going clear across the Missouri, and backs up water in the Missouri for some 40 rods, it is reported. Witnesses estimated that the water level in the middle of the James River channel was some 10 inches higher than at the sides of the river at the mouth indicating the speed with which it was moving.**

There is a fall in the James River bed of 1½ feet in the 2 miles above the mouth to the mouth which also causes the fast flow.

This year the depth was measured at 37 feet after the fast flow. Before the fast flow it was 10 feet deep.

Now, this is out from my house. Until something is done to curb the damage the James has been causing, neither my family or my neighbors can feel a sense of security. At stake are new homes and buildings and valuable land.

We're asking, as a unit, that those with the power to remedy the problems with the James do so in the very near future so that we can all know security within our homes.

With me today is Ben Van Osdel, Yankton County Commissioner, who was kind enough to take his time to attend this meeting with us. He can testify as to the extent of our problem. We thank him for his concern, and Mr. Barber, too, and thank you all for listening.

Now, I'd like to show you some pictures of my house. We were forced to move out and we can't move back and that's twice since 1960 that we've had to abandon the house. We moved the house in 1960, 250 feet to the east. Today it's within 50 feet again and something has to be done. I would like just a minute after this to show you some pictures and also some estimates from my neighbors. I haven't got an estimate on mine but I think since 1960 it's in excess of $100,000 just to move my house. I had an estimate the other day of $25,000 at the minimum to $35,000 just to move it.

Senator ABDNOR. Is that unique for you or is there a number of other homes along the river going through the same thing?

Mr. WELBY. There is others if this happens next year, yes, are in very grave danger, yes.

Senator ABDNOR. Well, how many? You're the only one in danger today, right?

Mr. WELBY. Well, the only one that had to move, yes. There are others that are in danger and others have had great losses but not to their homes as of this year but if this should happen again next year——

Senator ABDNOR. There is a gentleman back there with his hand up.

Mr. HEINE. I would like to add that we have property right below Don and we currently have center pivot that won't make the circle right now. We lost probably 25 rods.

Senator ABDNOR. State your name.

Mr. HEINE. Mr. Ron Heine.

Senator ABDNOR. You're in the irrigation business?

Mr. HEINE. Yes, the circle will not make it around.

Mr. WELBY. In 1963 the Corps of Engineers were up there and spent three days viewing the farm and 1960 was the bad damage, 1963 was some, and at that time they took this back to Washington and I was advised that they had appropriated $25,000 to start stabilization from the mouth of which I live three-quarters of a mile north of the mouth. Two years later I was advised that they had used it up for study which I never seen anybody out there but maybe they used her somehow. It never got done.

Senator ABDNOR. Is this the corps, you say, or the State.

Mr. WELBY. The Corps of Engineers is the ones that were supposed to.

Senator ABDNOR. What year was that?

Mr. WELBY. 1963.

Senator ABDNOR. Maybe we could look it up. I'm sure these people wouldn't have recall back to that time.

Mr. WELBY. A man by the name of Wilson, maybe you knew Mr. Wilson, was there. I imagine he's retired by now.

Colonel ANDREWS. We'll go ahead and research that and provide that to you. (See p. 71.)

Senator ABDNOR. I would appreciate that.

Mr. WELBY. I'm sure that it's in the file someplace. He took back an estimate of the damage that time of I think it was $12,750 at my place.

Senator ABDNOR. Mr. Van Osdel, do you want to add anything quickly?

STATEMENT OF BEN VAN OSDEL, COUNTY COMMISSIONER, YANKTON COUNTY, SD

Mr. VAN OSDEL. Yes, Senator. First of all, I want to say we appreciate you coming here and I come before you for sort of a dual purpose, you know. As a friend and neighbor and old schoolmate of Mr. Welby and this problem has been going on there for well over 20 years and also as a county commissioner in regard to some other projects that you will talk about this afternoon. I used to bring this up at water meetings and I think Mr. Barber heard this story but it is true that we're dealing with something here that man has dealt with through his carelessness and all through some of his objective work. My grandfather homesteaded right in the vicinity where Mr. Welby lives there. I recall my father used to tell about the James River, 15 to 18 feet of clear water the year round. In the winter time when it was froze over you could look down and see the fish and the turtles in the clear water. This is probably around the turn of the century.

Then come all the extra breaking of the soil and so then we think about those tributaries, those creeks that someone talked about that should be dammed to keep the dirt from going into the river and bringing on these problems. This caused flooding. The river is not the river it used to be. It's not clear and clean.

Then when I look at Welby's property and as a small boy when I used to visit and look out the window and see this bank by his house that remained the same way for 40, 50 years and even longer and then to look at it in 1960 when they had to move the house and I see there the PIK Loan Program which is a great benefit to a lot of people, a benefit to South Dakota, a benefit to those below, but here it does affect the people that live on the James River. And what has happened and I couldn't believe it, you know, there is certain things, Senator, that I have seen in my lifetime and I said I didn't really believe unless I saw them and one was some of the things on the great world war, one was the greater winter of 1969. I couldn't believe that it could snow that much in South Dakota. And another thing is I don't believe it could rain in South Dakota like it did this year and last year and we'll look at the James River and I'm sure I'm getting longwinded but we look at it when it carried the crest this spring which, as an oldtimer told me and my dad that when you look at the river and the center of the river is a number of feet higher than the outside, you know you're in trouble. That's the way the James was this year washing away bridges and several people's properties. Don had to move his house and also Mr. Sundleaf and Magoriens and the Heines and Bradys and Nelsons and all those people that I grew up with here are endangered.

Whether we want to admit it or not, this has been caused by regulation of the Missouri River. When the Missouri had the June rise and that would have been in June to July 4, we would have had the great Jim River flood but we wouldn't have any erosion to counter balance. Being so low, it's caused problems for people like Mr. Welby, so that's why I'm here today and I'm also interested as a county official and other aspects which you talk about with regard to watersheds, the amount of tax dollars that are spent in the repair of roads and bridges and all these things in these times of adverse conditions so with that I will say that it's been a good meeting and I'm glad to be here.

Senator ABDNOR. Well, thank you. We're happy to have you and those comments.

Mr. WELBY. I want to say one more thing. On June 22 I could see we were in trouble out there so I called the Corps of Engineers in Omaha to release just a little water just to slow that river 5 miles an hour and they refused. The 23d I called them, they refused. The 24th I had Heines call because they were refusing me; they refused them. The 25th, in 6 hours, we lost our home so I don't think that's quite right. Can I come up and show you those pictures?

Senator ABDNOR. Do you want to leave 'em with us? Do you have another set at home?

Mr. WELBY. I'll send you some but I'd like to just show you.

Senator ABDNOR. All right. Mr. Barber, I'm sure you want to testify but we do have to move this group along.

Mr. WELBY. Here are some estimates these guys want you to take home and look at. Take that letter with you.

This is the Heine land just below me. This goes straight across here. There is about 12 acres gone. OK, this is my place at 10 on the 25th. It was all right. This is the bridge we lost out there.

Senator ABDNOR. That went out?

Mr. WELBY. That went out, too. OK, there is my place. Now, there, that's how it come back 190 feet. It shows you how close it is to the house. We lost 60 trees in there.

Senator ABDNOR. I'll show those to the Colonel and will you send me those pictures?

Mr. WELBY. Yes; thank you.

Senator ABDNOR. Without objection, I'm going to make this part of the record. (See p. 76.) Mr. Barber.

STATEMENT OF DON BARBER, LOWER JAMES SUBDISTRICT

Mr. BARBER. Senator Abdnor, I'm Don Barber of the Lower James Subdistrict, Mitchell. I'm real happy to be able to testify very briefly on the problems of flooding along the James as we see it from the subdistrict's point of view. I'm not an engineer. My only expertise in water development business probably comes from planning and working in the subdistrict and the State for some 15, 18 years. Not being an engineer, however, I do work with a lot of numbers and repeated use of numbers brings a person to some pretty logical conclusions, I feel.

I had a real interesting point come to mind listening to Mr. Welby talk on the reach of the river that he's involved in very near the mouth of the James. We were contacted earlier this year by a gas company requesting permission to bury a pipe acrossed the mouth of the James

River within a mile of the Missouri River. The reason they asked to bury it is that it had been buried earlier in the thirties. The river scoured out and pipe was exposed in the late forties, early fifties. They buried it then another 5 feet and at the time they were asking for a permit to relocate the pipe it was exposed again.

The conclusion I reach is that the mouth of the James is dropping quite rapidly since the Missouri River main stem dams were closed. I see a minimum of 10-foot additional drop in the James River in that area of over what it was in the thirties.

Now, for the people, I think probably many of the people here are aware of the conditions on the river north of Yankton where the drop of the James has been referred to many times as being nearly level, 4 inches to the mile in places and some places no drop to the mile. We can see what advantage we would have if we could get the 10-, the 12-foot drop that we see at the mouth of the river to move back up the Jim River.

Our problem here is one that we are researching right now and it is rock dams in the river which stability line that does not move. A rock dam within 5 miles of the Missouri River could stop any scouring action which could be beneficial to the landowners for several miles back. A 12-foot additional drop in the last 20 miles of the James River would be a strong benefit to any silt movement.

We feel bad that we lost a year of high flows this year when no silt could move passed the Isaak Walton Dam at Highway 50 east of Yankton. It's been spoken of the high flows on the river today and they were record flows. I've lived on the river all my life and we've seen water as high at Mitchell as I've ever seen it. However, the difference to a farmer between a 10-year frequency flood and a 50- or 80- or a 100-year frequency flood is only in depth. He doesn't really lose much more land. A 10-year flood will flood all the farmable land on the Jim River basin. There is damage to roads and bridges with the higher flows.

So actually, the problem that the farmers are facing is in addition to high flow is duration of flow. The duration of the flow is the problem that the lower James has undertaken to reach a solution for. We are looking at cleaning and removing as much sandbars and man-made obstructions from the river as possible in the lower reaches of the river.

Back in 1974, 1975 we had first addressed the problem with preliminary engineering tudies of the river from Yankton to Highway 42, which is in Davison County, about 130 miles of river. At that time, we went to the State for funds. Our engineers outlined a program which would cost about $400,000 to get us in the business of cleaning the river in our area. At the time, no State money was available. Block grants hadn't been heard of yet. The water plan hadn't been invented yet.

Now we have all the tools to work with for development of the river and we're looking at a program now to clean the same stretch of river which—and we are putting together an application for the 1985–86 water plan that will cost about $1½ million to do the same stretch of the river that we had planned to do for $400,000 in 1974.

Senator ABDNOR. Are those pretty sound figures?

Mr. BARBER. They're a projection just on the increase in costs of construction, of interest, of labor. The $400,000 was a realistic figure in 1974 and 1975. We used that figure and added the increased cost that's built into it. We feel, though we haven't been able to view the river this year and we're waiting to and probably will within a week, make another real fast survey of it to see what changes have occurred since the last time we saw it. We haven't seen this kind of a flow, a June flow for I'll have to say 15 years.

We have completed some sedimentation study of the river while we were waiting to get our act together for the block grant requests and we have identified most of the sources of the silt that is causing the blockages on the river down here.

We are encouraged that the Corps of Engineers seems to be getting interested in bank stabilization, that a section 14 program, I believe, wouldn't be made to apply on the area of the river that Mr. Welby spoke of. There is a desperate need for it there. I'll leave for the record here a plan formulation document put together by our engineer or our 1984–85 cleanup program which is being funded now and we're merely waiting for the river conditions to be right so we can get in there and do something. It covers about $150,000 of grant money in the Lower James Subdistrict money.

Senator ABDNOR. Without objections it will be made a part of the record. (See p. 78.)

Quickly, Colonel Andrews, with a problem like Mr. Welby has, could that be considered under section 14? Could it be eligible? That's the first thing.

Colonel ANDREWS. Senator Abdnor, under section 14 of the 1946 Flood Control Act, we're concerned with public utilities facilities, not private.

In this case, if I understand the gentleman, he's relating his private, personal situation here. Under this particular section, it would not be appropriate.

Senator ABDNOR. Undoubtedly, you must run into this in a lot of areas throughout your district?

Colonel ANDREWS. Yes, sir, that's correct. There are a number of cases that we've had where private landowners have similar situations, and it's just that the Corps of Engineers lacks the authority concerning this.

Mr. BARBER. I believe that stretch of the river is a nonmeandered stretch and as such there is a certain amount of public property along between the low and the high water mark on that river there. Could, maybe by a little stretch of the imagination, this be determined to be public for the purpose of this act?

Senator ABDNOR. I'm worried about the time element here. I've got three more rivers before I get to Turkey-Clay and I've got to be tough and bring this to an end. Thank you and we'll see what we can do with the problems.

The next delegation is the Vermillion River with Larry Overgaard and Jim Adamson. They've been very patient and it looks like you're loaded with material.

STATEMENT OF LARRY OVERGAARD, CENTERVILLE, SD

Mr. OVERGAARD. Senator Abdnor, my name is Larry Overgaard. I'm a farmer in the Centerville area and for our first part of our presentation I will give a little history of the Vermillion River. I have a couple quotes in my script here that come from Centerville, our hometown, which is what the centennial put out.

The Vermillion River is not the Mississippi, but at times, fed by numerous creeks and highway and drainage ditches, it can become an angry, swollen stream breaking through dikes and overflowing into bottom lands. . . .

On June 10, 1944, thousands of acres of productive farm land were placed under the highest level of water in the history of this territory.

On June 17, 1954, flooding caused damage that was estimated at half a million dollars.

June 20, 1957, the flood waters crested in what was known as the worst flood since 1954 on the Vermillion River.

Cresting Friday, April 1, 1960, flood waters spread over an estimated 10,000 to 15,000 acres of rich Turner County land with the total in the southeastern part of the State estimated at 256,000 acres. Oldtimers declared the flood waters the highest on record and all roads out of Centreville were blocked except the Hudson Road as dikes broke. President Dwight Eisenhower on April 8 declared the James, Vermillion, and Sioux River valleys disaster areas and eligible for relief programs. Under provisions of the Flood Disaster Act, $400,000 was allocated to South Dakota as an emergency fund, most of it for Turner, Clay, and Union Counties. The Corps of Army Engineers repaired dikes without charge to landowners through private contractors. Turner County received $27,112 as its share of Federal funds for township road and bridge losses, the highest allocation to the 14 southeastern counties affected.

In the spring of 1962, another flood hit the Vermillion River damaging bridges and highways and the cost to farmers again ran into a staggering figure that neared that of 1960. A new flood level record was set.

April 6 and 7, 1969, flood waters which equaled and may have surpassed those of 1962 passed through.

In 1983, 1 day before Father's Day, the rains came and a new crest high was again set. This was called the 100-year flood.

This year, the spring of 1984, has seen two floods. The June flood has been a flood to top all floods, also known as a 100-year flood, and has set devastating depression upon the farm communities and local economies. We have again received a Presidential disaster declaration, this time to include 17 counties, totaling approximately one-fourth million dollars.

In summary, each year since those documented in 1944 the recurring floods have consistently crested at higher levels and caused increasing amounts of damage.

I would like to call your attention to the flood of 1960 where President Eisenhower declared these counties as disaster areas. Please especially note the contribution of the Army Corps of Engineers in the repair of the dikes at no cost to the affected landowners.

STATEMENT OF JAMES ADAMSON, CENTERVILLE, SD

Mr. ADAMSON. Senator Abdnor, I'm James Adamson of Centerville, SD. We represent some 200 people that own and farm 22,000 acres of flood plain along the Vermillion River. With your permission, I would like to have the group we represent, or the members that are here today, stand and be recognized.

Senator ABDNOR. All right, would you please stand.

Mr. ADAMSON. Would you please stand.

Senator ABDNOR. Oh, I would say that's quite a delegation and representation. Obviously, there is a great deal of interest. There is a good point there.

Mr. ADAMSON. Thank you, Senator. I will have another bundle of requests to the Corps of Engineers that I would like to hand to them today. We sent some in a week ago and there will be some more. These are requests for aid.

Senator ABDNOR. You say those are for the corps, at this time? Fine.

Mr. ADAMSON. Yes.

Senator ABDNOR. It will be noted in the record that we will have a copy. How many different requests is that?

Mr. ADAMSON. Why, I believe there are 23 here and there were, I'm sure there will be 60 or 70 total when they all come in.

Senator ABDNOR. What's a typical request?

Mr. ADAMSON. It's a request for aid to repair dike and flood structures.

Senator ABDNOR. I see. All right.

Mr. ADAMSON. We have just experienced 2 years in a row of severe flooding with the flood of 1984 being a record flood. We are a desperate people. For many, the future is in doubt. We are, as you know, a Presidential disaster area.

Our farm lands are ravaged with sand and silt dunes, debris, huge holes, torn fences, and new weed seed. Our once adequate diking system is gutted with breaks. In two of the floods in the 1960's the Corps of Engineers came and assisted us by repairing all damage back to the original condition. The corps, under Public Law 84–99, advertises help to repair dikes and flood structures but now quietly adds requirements that make every single applicant ineligible for assistance. I believe that's true on the Sioux River, too. In 1983 there were 55 applications and inspections by the corps and not one qualified for help. They had reasons that were not acceptable to us. We are again applying for assistance and asking that the corps waive some of their most unreasonable requirements and give us immediate help. Minimum dollar requirements should be no more than $200, if any.

As an example, the corps requests that we cut hundreds of thousands of trees. We cannot afford, nor does the public want us, to cut all of these trees. You can have a tree on your dike 100 yards from a break and it makes you not eligible for help. Our dikes are not big enough to allow us to drive on them and mow them with machinery. The farmers built these dikes at their own expense when Government cost share drainage became so common in the forties and fifties. This cost share drainage is partly responsible for our severe flooding.

We pay taxes on the river itself but the Corps of Engineers has control of it. The corps owes us this repair.

We are in the process of forming a new type water district that may give us some help in years to come for the onslaught of water that is drained on us. But right now we are threatened with survival. Without an income on our bottom land we are faced with a huge expense. We must have help from the corps. We would make it as easy as possible for them. We need repair of our primary and secondary dikes and our flood gates. We also need the Government disaster payment that you, Senator, have spoken of for crop loss.

Our roads are all being repaired by the Federal Emergency Management Agency at great cost. And if these dikes are not repaired a big rain could destroy all the work they are now doing.

We do not dislike the people from the Corps of Engineers but we do dislike their aid requirements because they seem so senseless on the Vermillion River. They were meant for the Mississippi River.

Again, this repair must be completed by November 1 when the ground normally freezes.

Thank you, Senator.

Senator ABDNOR. I'm going to quickly jump in and ask you a question. You said that should be for the Mississippi but not for the James; why?

Mr. OVERGAARD. We're not a navigable stream.

Mr. ADAMSON. These requirements they have are meant for a large dike that you can drive on with machinery and do the mowing and the necessary upkeep and I think most of those dikes were built by the corps.

Senator ABDNOR. Were you here when the colonel testified today?

Mr. OVERGAARD. Yes, sir.

Senator ABDNOR. He said if there was any kind of maintenance carried on, at all, reasonable maintenance——

Mr. OVERGAARD. We feel we have had reasonable maintenance. We repaired all of the dikes last year after the floods. We have receipts to show this. The people were reluctant to fill out the form and send in again this year because we didn't get a response last year, but we have diking associations and the dikes are all repaired after a flood. Obviously, we can't leave one hole in the dike if everybody else fixes theirs.

Senator ABDNOR. Let me ask the colonel, that's the kind of thing you're interested in, is it not, maintenance, as you go over these dikes?

Colonel ANDREWS. Yes, Senator Abdnor. As I indicated earlier this morning, last year was a different situation. The maintenance of the dike was extremely poor as I had indicated. If the local dike association and the people that own the dikes can demonstrate to us that since last year when we met that appropriate measures have been taken to maintain 'em and they were blown out because of this year's flooding, then we can certainly help out. And I think that the people involved know that because we have a meeting set up next week, as I had indicated, with 'em and we're extremely happy to have received the applications here this afternoon and the Corps of Engineers will be there next week to view and walk the dikes.

Senator ABDNOR. Thank you. Well, good. That might help a little and we'll see what happens. I don't have any other questions but that's the big, single thing?

Mr. ADAMSON. Yes, sir.

Senator ABDNOR. Again, I can tell you we're going to do everything we can, when I get back, to see if I can drum up some more support. The Secretary of Agriculture wrote me a letter and said we have now developed crop insurance to take care of things like this, but I learned long ago, if you don't plant your crop, you're not eligible for crop insurance, so I wrote him back and had to point that out. I haven't heard from him but he'll be hearing from me again. I assure you. Thank you very much.

Mr. ADAMSON. Thank you very much.

Senator ABDNOR. Next we've got another river, the Sioux. Only this part of the country can have four rivers, do you see that very often?

Colonel ANDREWS. This is a unique and challenging area of the country.

Senator ABDNOR. The Sioux River and Don "Skip" Meisner.

STATEMENT OF DON MEISNER, SIOUXLAND INTERSTATE METROPOLITAN PLANNING COUNCIL

Mr. MEISNER. Thank you very much. I'd like to welcome you to South Dakota but I think that would be akin to walking Reggie Jackson back to Jocky Field.

Senator ABDNOR. Thank you. I've been here all my life. I'm the only Senator in the United States who lives in the house he was born in.

Mr. MEISNER. I'm Don Meisner, director of the Siouxland Interstate Metropolitan Planning Council. Our committees are various committees, long and experienced in water research, planning, policy development, and project implementation. My topics today are two, need for flood control on the Big Sioux River upstream from Sioux City and very briefly on the Missouri River issues. Many floods have occurred on the lower Big Sioux River, including the floods of 1951, 1952, 1957, 1960, 1964, and 1965, and the record flood of 1969. During the period of 1870 to 1973 we did have 79 floods on our river and the recent floods since then have occurred in 1973, 1977, 1978, 1979, 1980, 1982, 1983, and 1984.

Now, you recognize that sometime ago there was a flood control project designed and authorized under the Flood Control Act of 1965 and this was a channel straightening and improvement project from Sioux City to Akron. An $11.5 million project in 1975, but it was not constructed due to environmental concerns, a lack of support by certain Iowa environmental groups and some local opposition. Then in 1969 there was a five-dam project proposed for the upper Big Sioux and this was not, never authorized by Congress because of local opposition.

What we did, at that time, was to have the lower 5½ miles removed from the earlier authorized project and that was the Sioux City, North Sioux City, Union County project and we had that authorized separately under the flood control of the 1968 act. We constructed that project with the help of the Corps of Engineers. I chaired the project. It works and to fly over that in the floods that occurred in June, it's a nice thing to see those kinds of projects can work but what the problem is, it still floods upstream from Sioux City and North Sioux City and the frequency and the severity of those floods continues to increase.

Now, the problem is, we cannot justify through the classical measurements levee projects or channel improvement projects and this is true because of two reasons, mainly. Construction costs have risen at a higher rate than agricultural land values. The Federal Land Bank recently reported the drop in both Iowa and South Dakota farmlands for the second straight year, severe drops. The second is the high interest rate. The 8 percent now is applied to the capital improvements of these kinds of projects and that means if we had a $100,000 project we would be required, through the books, to pay $8,125 annual payment over a 50-year project life. In other words, costing about $406,000 for the $100,000 investment. We charge, we think, too much of ourselves for these projects. The problem is that damages continue to occur and these damages are particularly onerous to us when we couple those with the high cost of credit, low crop prices and high production costs in the agricultural industry.

A restudy of the lower Big Sioux River flooding is now taking place by the Corps of Engineers under the East Dakota study. It is doubtful, in my opinion, due to the above considerations, that a suitable project can be justified under the classic B.C. analysis.

I think we should do two things. We need flood control in that area. We should rethink and redefine principles and standards for agricultural flood control projects, especially in light of our troubled midwestern agricultural industry, or we could authorize agricultural demonstration projects where we could test a number or variety of measures to reduce the flood damages including minimal channel work, different type of levees and certain types of flood-head storage. I believe we're going to have to do one of those two things to solve the problems on the Big Sioux.

We are estimating damages, at the present time, but as I indicated, it is extremely difficult to justify a normal levee or a flood control project with the principles and standards now in place.

I'll stop there and answer any questions.

Senator ABDNOR. I always like to have the colonel do that. That last statement, do you think that's accurate? The principles and standards they now have? I don't know exactly, what are the principles and standards now? It's done by the Cabinet, isn't it?

Colonel ANDREWS. I think what Skip is talking about is basically the benefit, the cost ratio is still there. It is a good principle in standard. It has been there in the passed and we can see it continuing into the future.

Senator ABDNOR. Are you familiar with the area he's talking about?

Colonel ANDREWS. Yes, I am, Senator.

Senator ABDNOR. I'm just wondering if we go one way, which way would we go? If it couldn't meet the benefit/cost, we'd be in trouble that way. I don't know how they go for a demonstration project.

Mr. MEISNER. I think that could occur similar to section 32 Streambank Erosion Control measures you were involved with on the Missouri River. I don't believe that they met the benefit/cost ratio in the classical sense but many of those that have been built by the Corps of Engineers certainly have worked and would be the backbone of the Missouri scenic river.

Senator ABDNOR. Skip, what do you envision as a project we're talking about here?

Mr. MEISNER. Well, I believe a channel project could work. A channel project in the Sioux City area has worked very well and channel straightening kind of project. The problem is it costs more from my analysis and we don't have all the damage information we hope to have to be analyzed by the courts soon, but it channels improvement and a straightening type of project. The water simply can't get away above Sioux City. It continues to widen and the amount of water carrying capacity simply is not there to deliver that water down to the Missouri River and as Mr. Chicoine indicated, as we increase the development upstream with the large type of developments, ag developments, the amount of water that we have delivered to the stream continues to increase. We just can't get rid of it and we just cannot justify again on the benefit/cost ratio that appears, those upland small dam projects. They've slowed down for a whole number of reasons.

Senator ABDNOR. All right, I think we'll end with that, then. Skip, thank you.

Mr. MEISNER. I have one comment in connection with something that you said and that's the water resource development in the Missouri River basin. It's less than it can be. That's true throughout the basin and that's true because, I think because of congressional conflicts and the competition we have for the water, and lawsuits, political ambitions, inability of States to make significant progress on working out some of these problems, and I think the basin States need to utilize the corps authority and capability to study these resource needs and allocations, pricing, water management, erosion, fish and wildlife, mitigation, and hydropower. I think the purpose of this effort would be for all of us to prepare a plan for the full development of the Missouri River basin that would be acceptable to you as Congress and the Missouri River basin States.

I recently delivered our proposal to the Missouri River basin States to accomplish these ends and I've included a copy of that. I think the Congress could direct the Corps of Engineers to address the problems associated with the Missouri River projects including the Pick-Sloan, because the Pick-Sloan plan has worked but as a result of that we have areas of bed degradation, as you've heard today, head cutting, erosion problems, drainage, damage to some of ourselves, damage to some of our flood control projects, and then we have also mitigation, wildlife mitigation, and navigation problems. I believe Congress could give serious consideration to both of these activities and I think eventually we have to end up with some kind of a full development plan for the Missouri River basin, including these tributaries, that we can all agree on.

Senator ABDNOR. And you have to get all the States interested enough to go along with the plan and that's where we get into some of these problems of give and take. South Dakota feels strongly that we ought to start looking and maybe come to some kind of an agreement but it's got to be one that's fair and equitable and not like we've been witnessing in the past. You've made a fine suggestion there and we'll see what happens when it's studied by the committee. Do you have any comment that you'd like to make, Mr. Andrews?

Colonel ANDREWS. Nothing, Senator Abdnor, other than Mr. Meisner has been very, very supportive and helpful to the Corps of Engineers, particularly the Omaha district, and I'd just like to thank him for all

of his help and support in trying to make the entire Missouri River basin a better place to live.

Senator ABDNOR. Thank you. Thank you very much. Next is Turkey-Clay and I guess I'd like to have proponents and opponents at different times. What are you gentlemen here now, proponents?

Mr. E.A. JOHNSON. We're the opponent but not really opponents.

Senator ABDNOR. I know, but we'll give you a chance to testify.

STATEMENT OF EDWIN A. JOHNSON

Mr. E.A. JOHNSON. I'm Edwin A. Johnson, Vermillion. I live northwest of town. I've lived out there in the gumbo for 71½ years and we're the members of the Landowners for a Better Plan for the Turkey Creek Watershed and we oppose that deal on account of the benefits, the way they had them wrote up. We believe that just the people down in the flood area was taxed and the people on the Hill where the water come from was getting a free ride on all the tax period money down in the bottom, which there is a lot of benefits up on the hill.

Senator ABDNOR. Excuse me one second. I'm going to ask Mr. Swenson to come up and sit where the colonel was so that I have access to him for reference to some things. I'm sure he won't mind. You go ahead.

Mr. E.A. JOHNSON. So we opposed that plan that the upland people didn't have no right to vote on the plan and they were not getting taxed and the people on the bottom where the water come from the hill and there where the erosion comes from is up in the hills. The only way gumbo moves is when it gets dry and the wind blows.

Senator ABDNOR. You're on the bottom?

Mr. E.A. JOHNSON. Yeah, I've been on that bottom for 71½ years so I know it won't run away; it will just blow away when it gets too dry. And the project that they had planned was a lot of dams up there but none of the people up there wanted them. They only had one dam they could get in for certain without condemnation to get a hold of it and we opposed that whole plan on the tax situation, plus it was taxing just one-fourth of the whole watershed for three-fourths of the whole shed which we don't think is fair that they should have taxed the whole area for the benefits they received. And I had took about 70-some pictures from an airplane and on the ground that shows that they did have a benefit up there where the water had run and cut gullies through the field where they should be taxed for the benefits they received from stopping the erosions.

So that's the reason why we oppose that plan and we believe that everybody should be paying a certain amount of tax according to the benefits they receive and where I live, the creek runs right through my farm, it doesn't flood until the Vermillion River backs it up. When it's full, it's full and I don't believe if they had had everything in place this year that the rain we had would have ever stopped the flooding. We'd have had a certain amount of flood regardless because we've never had that much rain in June in the history around here.

Senator ABDNOR. But the way it worked out, you were——

Mr. E.A. JOHNSON. I was flooded. I lost 90 acres out of 119.

Senator ABDNOR. Did you have it in and then lose it?

Mr. E.A. JOHNSON. No, it was into alfalfa and then it was gone.

Senator ABDNOR. All right, you're contending that the portion that's subject to taxation under the proposed plan is a very small part.

Mr. E.A. JOHNSON. That's right. The only ground they were taxing was the ground from the bluff road to the railroad tracks. All on the bottom was getting flooded. That's what is getting flooded is the water from out of the hills. Erosion comes from up there because the gumbo is so flat. You don't get no erosion from the water and the gumbo, only when it gets too dry and the wind blows.

Senator ABDNOR. Forgetting the taxing part of it, and I know that's a big part of it but forgetting that, do you agree that the project has a lot of merit?

Mr. E.A. JOHNSON. Yeah, we are against watershed. We want to operate legally and operate right and give everybody a benefit that they deserve and get 'em to pay the taxes. The whole watershed was taxed, it would be a very small tax on the whole individual group.

Senator ABDNOR. By your vision of this whole thing, you include a lot more acres. How much, what would be the difference in tax levy, roughly?

Mr. JOHNSON. They were going to tax us $3.25 an acre for 50 years on just one-fourth of the whole watershed, so the three-fourths was getting on with no tax whatsoever, was getting a free ride and going to get all the dams put in up there. We was up there and checked with the people up there and there was only one dam that had been legally given to them and the dams they want mostly is small, level dams that can hold a lot more water and not be so dangerous when they break. The way it was this spring, Marindahl Dam almost went out, they claim. Lake Vermillion was getting rough to handle and the Menno Dam, it went out entirely. If they would have had all these in force, would they have held or wouldn't they with this amount of rain?

Senator ABDNOR. Well, why don't we hear all three of the gentlemen here.

STATEMENT OF DON DRUIN

Mr. DRUIN. Senator Abdnor, my name is Dan Druin. Ed and I, we were elected to speak for 92 percent of the farmers. Ed said about most of it. We went up in that area and canvassed that area up there where the dams were to be built and we found they only had permission for one up in the green area and most of them were opposed to the big dam because of the danger that they caused and the fear for their lives.

According to the farmers for the better plan that all of the farmers, farms and towns and counties that benefit from the watershed plan should be taxed according to the benefits that they received and I'm sure that there are a lot of counties and townships that received a lot of benefits.

Senator ABDNOR. Are you pro or con?

Mr. EMMICK. I'm for it.

Senator ABDNOR. Well then, let me hold you off till we talk about this. Mr. Swenson, I've got you up here for a reason. Give your thoughts about upstream and what part they play and how they enter into other watershed programs and how you see it?

Mr. SWENSON. We're kind of outside the area of the Soil Conservation Service. When we're working with this, our working arrangements are with the board of managers and the conservation districts are the other sponsors and we worked with the people over the years on developing the plan, working out the intricacies of what do you call it, principles and standards is what I want to say but that doesn't mean much to anybody in this room, I don't think. With the basic principles leading to the proper cost/benefit ratios within the regulations of the laws and so forth of a proper——

Senator ABDNOR [continuing]. Policy up to the end results of cost/benefit?

Mr. SWENSON. That's right. Environmentally sound meeting. The agreements we have with the local board of managers representing the people and public participation and so forth. With regard to structures, dams, we build those according to hazard classification. You know, how do you say that, they are built to levels of standards for protecting life or whatever hazard there might be below such a structure. There is a maintenance agreement for each one that requires inspections and these kinds of things that relates to the assurity of the structures.

Senator ABDNOR. Well, this is probably like this whenever one agrees that the program is worthy and needs to come about. It's a shame we get hung up here. I don't know if there is a meeting of the minds but the part that you played in it, did you visualize benefits being accrued to the higher level of the land?

Mr. SWENSON. Well, of course.

Senator ABDNOR. I don't have anything to do about that but I'm just wondering.

Mr. SWENSON. You know, the flood, the Watershed Protection and Flood Prevention Act is pretty specific on what you are working with and the watershed protection part, of course, works with the upstream area where you're working with the land treatment portion of it. The flood prevention part is exactly as it said, the flooded area as perceived on a certain flood frequency that you're about to protect. One thing that you work with the local people on, the local representatives, however you say it, is on the level of protection that is desired. You usually work toward that end, toward the level of benefits desired in the area that is used. That's essentially what you work toward.

Senator ABDNOR. Have you run into situations like this in your other watersheds? Usually, these groups feel that too much of the cost is being placed on too few of the beneficiaries?

Mr. SWENSON. I've observed the number of watersheds over the Nation and each place has a little different perspective on this kind of thing. Let me give you an example. When I worked in Arkansas, there, you know, OK, this is the way it is, there the Governor, at the time, as one aspect of watershed, required multiple use of the water in a dam. In other words, not just for flood protection but municipal and industrial, as an example, but there they had a lot of small industry, light industry in the small towns around that kind of place. In other words, they didn't have frost or cold weather. They had plants where they dress chickens or what have you and they used water for that purpose. That's one thing I think of. Of course in that situation you would

spread the benefits but you spread the benefits of the water that was in the dams. That's one example of spreading it. There are other places in the Nation that I believe they have had participation by a larger entity, perhaps a whole county or something like that.

I'm sure you can find many, many examples of different types of things that are taking place. You're getting more of an answer than you want here.

Senator ABDNOR. No, that's fine.

Mr. SWENSON. I know of a situation where on some of the old drainage districts that they had a variable rate depending upon what we call the level of protection or the level of benefit.

Mr. EMMICK. Benefit theory.

Senator ABDNOR. Have you gentlemen proposed any alternatives?

Mr. E.A. JOHNSON. We figure the tax should be spread out. When they form a watershed, nobody in that watershed should get a free ride. I think they should all be taxed a certain amount according to the benefits they receive.

Senator ABDNOR. What benefit do the high people receive?

Mr. E.A. JOHNSON. They're going to hold their erosion up in the hills because the way it is, it's just like Chicoine said, they dump the water out they've drained and the water comes down and where it stops is out on the flat that gets all the water and gets drowned, because the water that falls in the gumbo out here in the west, it slopes so slow to the creek it will never flood. It will take a long time to flood the creek. It will take care of it. It's the water that comes from the hills with a terrible force and washes dirt from the hills, that's what floods the whole area.

Senator ABDNOR. Mr. Swenson, have those benefits been computed in the program?

Mr. SWENSON. Most of the stuff shows up in the plan. I think that the upstream portion, for example on sediment, just to take sediment as a case in point, I believe the plan shows that the sediment reduction is about 50 percent of what—as compared to what occurred prior to the project, isn't that right, gentlemen, 50 percent plus or minus. I think that's what I read. I don't have the copy but there was a sediment reduction that was significant.

There were benefits to Marindahl Lake, for example, that accrued as a result of what was done up there. I think that was an extension of—a projected extension of the Marindahl Lake of x number of years. I think it was in excess of 50, if I remember right. I believe 58, I think, is what that was. That's just a straight line calculation from the silt or sediment being kept out of the lake. I wouldn't want to address other parts of that particular structure. That's the part I know about.

Mr. DRUIN. Yes, Senator Abdnor, I think their impact statement says that in an average of 0.9 of rainfall over a whole watershed area, it would save 71 percent of the flooding. In other words, 29 percent would still get flooded with 0.9 of an inch of rain, so this year it goes to show you how much land would have been saved if it would have had the dams up there anyway.

Mr. E.A. JOHNSON. Well, we don't believe that with this here watershed they had planned, the way it goes, that there should be any Fed-

eral money to help them out until everything is straightened out and they should know what the whole deal is on the watershed before there is any Federal money put out.

Senator ABDNOR. Correct me if I'm wrong, but we don't put out Federal moneys until a program has been approved.

Mr. SWENSON. That's exactly right.

Senator ABDNOR. I can't say that. I'd have every State in the United States all over my neck if I tried to tamper with those rules. There is only so much we can do here. Either you want the program or you don't and I'm not here trying to ram it down anyone's throat but I hate to see you losing out when in 3 years out of 10 there is crop loss due to floods. There must be some way we can get together on some protection and help. I've been up against some real obstacles in Congress. Time is short. I hope somehow we come up with some solutions before this project is lost. Farming, at best, is risky with everything going your way, but when you've lost 3 years out of 10, you can't stay in business very long.

Mr. E.A. JOHNSON. Dams in the hills is the only situation to hold some of that water. In the last 20, 30 years all of them sloughs have been drained into an outlet. Anytime they get a rain it doesn't stay anywhere, it comes down pretty fast into the creeks and comes out on the bottom and that's where the flood comes from is from the hills.

Senator ABDNOR. Why don't we bring the other group up here. I'd like to hear from them and I'll ask some more questions when they get through.

Mr. E.A. JOHNSON. Thank you.

Senator ABDNOR. I don't know who the spokesman or leadoff man is but whoever it is, go right ahead. Just tell us your name.

Mr. EMMICK. Mr. Abdnor, being I'm on the end here I'll start out.

Senator ABDNOR. All right.

STATEMENT OF DON EMMICK

Mr. EMMICK. It's also nice to be the end of the panel because you've already heard all the discussions and that. My name is Don Emmick. I farm approximately 3,000 acres at Mackling, SD, about 7 or 8 miles from here of which I have lost 100 percent of this year because of the Clay Creek. I don't know, there is such a variation of different ideas here today that I have heard. They indicated on the last panel what it would cost and that the people up in the hills should pay for part of it. Whether that's right or whether that's wrong, I don't know. The thing has to be brought to a vote. The people up in the hills that are not in the benefitted area, they claim would vote it down. We need the project. We need it very, very bad. In my opinion, it should be passed. We should allocate the funds and do it not 3 years from now or 5 years but do it immediately, if at all possible.

It puts a bigger burden on your shoulders, Mr. Abdnor.

Senator ABDNOR. No, I can't do it until you people decide what you want. That's the only thing.

Mr. EMMICK. I understand that, but 1 acre, 1 bale of hay in the benefited area will pay the taxes of what they're asking us to pay as a landowner in the benefited area. And when we get into the high land area where they claim there is no benefited area, those people are going

to vote it down because they feel the ones down below are the benefited area and they should pay for it. Now, whether this is right or wrong, we would like to get some of 'em up in the hill to help pay for it to help defray it but the people in the benefited area had a bale to 2 bales of hay and we're sitting in the heart of the alfalfa capital of the Nation right here. I sit in between four alfalfa DI plants. Two bales of hay per acre will pay our taxes and pay what's going to be assessed so I am strongly in favor of this project and to allocate Federal funds that has been earmarked for this project and to get it set aside and not so that we will lose it ever. Thank you.

Senator ABDNOR. Thank you. Let me ask you something right now, Mr. Emmick. Just trying to get this all into proper perspective, Mr. Johnson and Mr. Druin was just up here and we have you three gentlemen here. Would you say you three would stand to gain more than the other two?

Mr. EMMICK. I sit right beside Mr. Druin, that was sitting over here a minute ago, on my land up there and he lost all of his beside mine, too.

Senator ABDNOR. I mean whatever vote we've been getting, all beneficiaries are about the same?

Mr. EMMICK. Absolutely. As far as the people up in the hills, they've got fantastic crops this year. They've had real good rain up until the last couple of rains but they've got better crops probably than they've ever had in history so they're not going to be assessed a $2 or $3 assessment if they don't have to, especially over the 50-year period.

Senator ABDNOR. I had a figure here a minute ago. Right now we're talking $3.25?

Mr. EMMICK. $3.25 but I think that's been revised since and the boys here on the committee can tell you. It's been revised downward because of the permits and the easements and things that they had allocated originally to be paid for that have already been and still in the past several years.

Senator ABDNOR. You bet. Go right ahead.

Mr. EMMICK. Thank you.

STATEMENT OF ROBERT FRENG

Mr. FRENG. Thank you for allowing us to be here, Senator Abdnor. My name is Robert Freng, and I farm in the upper areas of the watershed in the flood plain. We had had this land for over a hundred years. I'm the fourth generation and in the early 1900's we started the drainage and grandfather and great grandfather, in their time we got started in drainage. During the thirties drainage went out and nothing was maintained on ditches and that because of the dry times. Back in the midsixties, after many years of flooding and severe problems, we organized or had meetings and organized the watershed or we started it, anyway, and in 1970 there was a vote and it was officially organized and in that it was specifically stated that the people who would benefit would be the ones who would vote on it and would be the only ones assessed. That is part of the organization. That cannot be changed.

Senator ABDNOR. What was that again?

Mr. FRENG. In 1970, when we were voted by 72 percent of the people in the whole watershed district, upland, lowland, everywhere, when it was officially organized, part of that was that only those people who

were benefited would be allowed to vote on it and they would be the only ones taxed, so I guess, you know, the people for the better plan, I mean that is part of the watershed. I don't think we can change that. That's part of the organization. That was a good-faith statement made with the upland people because the people who were going to be benefited most do lay down in the flood plain. Therefore, that's the way it was set up.

Senator ABDNOR. You don't think the upstream are getting any benefits?

Mr. FRENG. Oh, definitely, they will get some benefits, but like most things, there is primary and secondary benefits. We, down in the flood plain, in the drainage area, will get the primary benefits. The whole community—I've got some figures I'd like to throw at you, too—would benefit. The whole community is going to benefit, but like most things, you have to take the people who are getting the primary benefit, are the ones that are going to have to pay for it. That's the way it was set up.

OK, they estimated in the plan that the average benefit for the benefited area which is approximately 30,000 acres would be $40 an acre a year, so which amounts to $1,200,000 a year estimated benefits if the watershed was in operation. Now, they take the common factor of seven, you turn the money over seven times, that's a common thing so that leaves you with $8,400,000 of added financing or money being spent used in the community. Economic, you know, benefits. And then this project is a 100-year project. If you take 100 years times this yearly amount, you end up with $840 million over a 100-vear period.

Senator ABDNOR. You appear like we spend money in Washington.

Mr. FRENG. If some new industry was coming into the State of South Dakota in this area and was going to put this kind of figures out, it would be on the front page of every paper in the State; we've got industry, farming, and this is an opportunity to make it better. Now, as far as the costs go, 2 years ago on the crop I figured the last few years I've had an average crop of say 30 bushels of beans, $6 a bushel, that's $180 an acre times the 300 acres I farm would be $54,000. This year I was only able to get in 50 acres and I planted them about the 12th to the 15th of July so I'll be lucky to get 10 bushel so I'm going to maybe get $3,000 as my income for this year instead of $54,000.

Now, the whole watershed cost on my 320 acres times 3¼ would be $1,040 a year and the estimated or the most it could have taken was 50 years so that would have been $52,000 so already this year I've lost or I've paid for it, I guess you could say, or whatever but my losses this year would have been full payment for the whole thing. Now. the thing is, when it went to vote and it was by very, very narrow margin that it was defeated on the 3¼ so the board went back, sat down, got their pencils out. They worked at it. They came up with another plan, a better plan. Now, this is the board of managers and they divided out into three areas with different rates. I don't know, the lawsuit that came up prevented this from being presented to the people so we're at that point now so now we've got to get this lawsuit——

Senator ABDNOR. You've got a three-tier——

Mr. FRENG. A three-tier, $3, $2 and $1 for different benefited, drainage and flooding, and then just flooding.

Senator ABDNOR. Let me stop you. Have you ever seen that done?

Mr. SWENSON. Yes, that's what I was aluding to on that different rates.

Senator ABDNOR. It went through my mind but I said they don't do that with watersheds but I'm glad to hear they do. Go ahead.

Mr. FRENG. The problem, just a few days before the informational meeting, we have a lawsuit, so it stops it, so what happens is the lawsuit drags on and on and on and eventually what we're worried about is that the moneys in Washington, we don't want to lose them if there is any possible way we can hold on to them until we get this done, until we can satisfy whatever it takes to get the lawsuit done and get it straightened out so we can get this project on the road because it's very, very important. We have to have it. It's our economic survival, basically, depends upon it.

Senator ABDNOR. Now, as I understand it, you've got a pending lawsuit, is that right?

Mr. FRENG. No, it has been decided. It's a conflict between Federal and State law and to my notion, just being a layman, it just seems like it's a conflict in a State law itself. It says you have to be able to spend money before you can tax money, before you can raise it.

Basically what it is, the State law says that you have to present a complete engineering draft or something of the watershed to the water resources board, I believe it is, and then the other part says in order to raise those funds you'd have to be able to tax as far as I can see because, I don't know, you're talking about a several hundred thousand dollar study and the watershed board doesn't have any ability to tax so I don't know where they could possibly get the money, but something has got to be worked out on that. We're basically getting Federal money is where most of the money is going to come from for this project and that's the problem we're at right now.

Senator ABDNOR. Well, where did the money come from for what we've accomplished so far? This must have taken some dollars to bring out the plan we're operating under.

Mr. SWENSON. Did you collect a mill levy? There is a mill levy in the law. Most of the time people that operate in the watershed district I'm acquainted with are conservation district supervisors and local boards of managers and a lot of times they donate their time and services during that basic time. Is that what you people did?

Mr. FRENG. Most of the money, as far as I know, came from the Soil Conservation. They were making the plan, am I correct?

Mr. SWENSON. Well, in the development of the plan, yes.

Senator ABDNOR. Just a minute, Mr. Neufeld, could you shed any light on this? I hate to drag you into it but I've got a hunch with your legal mind——

Mr. NEUFELD. Thousands of losses. The basic problem is that when the watershed district is formed, they're required to submit a map to the State board showing where they want to place their facilities and the general plan of improvement of the watershed and that has to be approved. Once that's done, the watershed district can then go ahead and develop its specific project plans. There is question on interpretation under the statutes as to whether or not they have to have specific plans for all of their projects and facilities that they want to develop, submit it to the State board, at that point, or whether they can do it on a project by project basis. They were approved by the State board,

they held a referendum which was narrowly lost and then there was a lawsuit filed either before or shortly after that referendum and the judge recently ruled they have to submit plans for all of their proposed facilities and not just on a facility by facility or a few at a time basis to the State. I don't know whether they will appeal that or whether they'll seek amendments to the State law or what, but it creates some problems, as far as going ahead and trying to create some orderly implementation of the general plan that is approved in the first place.

Mr. SWENSON. Just one more paragraph for clarity. As far as funds are concerned, once a plan is approved and when the financial plan is approved locally or the responsibilities locally are carried out, then part of the funds that might be appropriated from the national level are used for surveys, et cetera. That's what we would call the technical assistance versus financial assistance which includes basic cost of structures and so forth.

Senator ABDNOR. Mr. Druin, I think I better let the panel finish. The third gentleman hasn't commented yet. I hate to keep going back and forth here.

STATEMENT OF CHARLES JOHNSON

Mr. CHARLES JOHNSON. Thank you, Senator. I'm Charlie Johnson, and I farm down in the Meckling area. I'd like to say that on this 3 out of 10 years that we've been kind of bouncing around today, I think that's a little misleading. It's more like 3 out of 10 years we get a crop, not lose a crop on this bottom ground, and then I'd like to talk a little bit more about this, not so much the dams and retarding structures on the hill but some of the work that watershed project takes in on the bottom of these laterals and the creek work.

A lot of my ground actually isn't affected by what you'd call run-in flooding. It's water that falls on me that I can't get rid of, and that's where these laterals come in. Over the years these laterals have been allowed to blow full of, you know, sir, dirt, and then since initiation of this whole watershed thing back in the early 1900's there has been several north-south roads put in on this bottom ground, this 29,000 acres we're talking about. All these roads have a grade higher than the land surrounding them, and at each one of these section roads they've added culverts in there which approximately are all the size of 30 inches. Now, when this thing was originally put in, these roads, where the culverts are now, according to the old plat, were 4- by 8- by 16-foot bridges. So, as this water comes down on us, it starts at the northwest end, comes down on us, each one of these square miles is actually a reservoir in itself, taking anywhere from 24 to 36 hours to drain out, and it just goes reservoir to reservoir to reservoir, and which takes, you know, several days, and by that time you've got another rain and you're right back to square one. So I'm really in favor of this watershed project, not only on the control they're going to do on the water above, but for the lateral sysem they're going to put in for us that will relieve the problem of this slow-moving water and that's kind of how I feel about it.

Senator ABDNOR. In other words, you think that the project is important enough to you, you're willing to pay the entire assessment?

Mr. CHARLES JOHNSON. Yeah, I'm just like Mr. Freng, here, I've lost the cost of that project this year already.

Senator ABDNOR. What's been the reaction of the one, two, and three tiers?

Mr. FRENG. It's been favorable.

Senator ABDNOR. Are some of the people who have been opponents in the past willing to talk on this? You're bringing in some people that never have been brought in before so are you going to lose more than you gain do you think, percentagewise, with the new groups coming in that you will be able to obtain the majority necessary?

Mr. EMMIC. Are you talking about the people in the high ground?

Senator ABDNOR. Yeah, I assume there is going to be an assessment on those people.

Mr. FRENG. No, benefited area will be the same but it will be divided into three areas.

Senator ABDNOR. Is it possible to lower somebody to a dollar and the maximum to 3 and raise the kind of money you want, or go 3¼ across everybody?

Mr. FRENG. Originally, it was set up as a 10-year construction period and a 40-year loan repayment so it was 50 years at 3¼. The next payment or the next one they came out with by taking—pencil pushing—figuring out closest, closer, getting closer and their estimates were down on some possible savings, some possible grants—not possible, for moneys that were definitely able to be received and definite cost reduction, right-of-ways, and different things, they were able to bring it down on a $1, a $2, and a $3 assessment. Approximately half of it was at $2, half at $3, and there is a small area at $1.

Senator ABDNOR. What makes up that one? Why does he get lesser than the three?

Mr. FRENG. That ground originally was not in, you know, the ditch district we have now. That ground is farther up but when the Soil Conservation did their survey the first time, that's ground that gets flooded infrequently but it was flooded at certain times. It's water that does not stay there but does come down, spreads out and leaves rather rapidly like in a day or two; whereas, when it comes down on us it sits for weeks, that type of thing. So they had not been taxed before in their old ditch district so that was part of the reason for that.

Now, the new one with the plan they came up with, with those, the $1, $2, and $3, the amount they came up with, I'm thinking it was 10-year construction and 19 years afterwards, I'm not absolutely positive. I don't have those figures but those are the figures that stick in my mind.

Senator ABDNOR. Who does that?

Mr. FRENG. The watershed board.

Senator ABDNOR. Are they here?

Mr. FRENG. Yes. I believe so.

Senator ABDNOR. Could we ask them to come up here.

Mr. FRENG. Yes.

Senator ABDNOR. Who do we ask?

Mr. FRENG. Well, probably Vane Miller. He's the coordinator for the project.

Senator ABDNOR. Listen, I like to see people get together. Why don't you two gentlemen come up here and sit at this table and talk about it. We're not going to get anywhere staring at each other. We just as well

talk about it. I don't know whether you want to be the divider or not, Mr. Swenson. I'm interested, it sounds like there has been some attempt at give and take that's the way you arrive at agreements. This looks like it's too important to everyone to let it get away. I don't know whether we can get you together but I've seen worse distances down in Washington all the time and we get together and that's the only way you do it. Now, let's talk a minute. Would you like to tell us how that was figured, that $3, $2, and $1, what it was all about? Your name?

STATEMENT OF VANE MILLER, COORDINATOR, TURKEY-CLAY CREEK WATERSHED DISTRICT

Mr. MILLER. Vane Miller, coordinator for the Turkey-Clay Creek watershed district. After the first referendum was held, about four votes, so you can't come back with the same financial situation. You talk about apportionment and the board comes up with three different categories: erosion area, flood area, and the drainage. And that top part that you were discussing just a minute ago amounts to about 1,100 acres. It's the area that has never been involved in the ditch tax. All the rest of the acreage in that benefited area is involved in a ditch tax, since back there in the time that it was first built in 1910, so that's why this is a $1 area.

The drainage area would be taxed to the $2 amount. Heavy flooded area would be taxed $3 and that's how that comes about. And if this could have—if we could have went ahead with the hearing, this is a plan that would have been presented, but the court order came through, stopped all that. That's where we are today.

Senator ABDNOR. I'm not a lawyer. This court order, how long is that going to have an effect on this?

Mr. MILLER. Well, this is what we're worried about and we realize the longer this takes and the longer the delay before this can be brought back for the people to vote on it and decide for themselves whether they want this project or not, it jeopardizes this $8½ million. That's what we're worried about.

Senator ABDNOR. Mr. Druin, I'm not trying to set a trap. What do you have to say?

Mr. DRUIN. I'd like to address one statement I think Don Emmick made. He farms right by me and I don't know if he's speaking for the other two gentlemen that owns land and farms, I've got hundred bushel corn, give or take 5 or 10 bushel, and I was wondering, can Don Emmick show you hundred bushel corn on his ground?

Mr. EMMICK. Today?

Mr. DRUIN. Yeah.

Mr. EMMICK. I haven't got any. It's all flooded, but you don't have any beside me; yours is all flooded, too. I saw it.

Mr. DRUIN. What's going to be taxed? I've got some hundred bushel corn.

Mr. E.A. JOHNSON. I'd like to address the guys when they said they voted on watershed. Anytime you vote a watershed in, you say you guys are not going to be taxed forever, they let the whole watershed vote and say you ain't ever going to be taxed, they're going to vote for it and just the guys on the bottom getting flooded are going to be taxed for the whole business.

Senator ABDNOR. They just had their biggest crop because they're not hurt by none of it.

Mr. E.A. JOHNSON. Right, because they voted this watershed in because they knew they was never going to be taxed.

Senator ABDNOR. You don't believe there should be a watershed? You're against it?

Mr. E.A. JOHNSON. No, I'm against the idea of the way they've got it. I think it should be changed so they let everybody in that watershed vote because there is benefits up in the hills and they should be voting and share the cost of what benefits they receive the same as the benefit on the bottom where they're flooded. If you get any benefits, I don't think you should get a free ride from somebody else's tax money.

Mr. MILLER. Senator Abdnor, let's face the facts, in 1970 this hearing was held to create the watershed district. The people in the whole watershed, at that time, were approached on the facts. They voted 72 percent to do it this way. The Soil Conservation Service was then asked to go ahead and set up the plan. The upland was promised that they would never be taxed but they wouldn't have a vote, so, OK, the Soil Conservation set up the financial plan. It's a complete plan with the upland, bottom land, a plan that will work. If you tax the upland now or try to, it will destroy the project. In other words, it has to start all over. And then the statement about the upland receives so much benefit and they're not contributing, you know, that's not entirely right, either. They're going to be furnishing the land for these 18 structures. They also got to meet 50 percent of the land needs or land treatment before any structure can be built. The Soil Conservation engineers or technicians will not build one single structure until 50 percent of the soil conservation needs are met on that upland, so they're contributing a little bit, too, see.

Senator ABDNOR. All right.

Mr. DRUIN. We went up and canvassed the upland there and we talked to Jim Blankenfeldt and that's where one of the dams would be going. He informed us that they were starting up a petition to stop all the dams except they got one that we found out and we—when we went up there we only found out we were the only ones that ever approached them. That's what they told us. What was the name of that one that give 'em the information?

Mr. CHARLES JOHNSON. He works at Gurneys. I don't know his name.

Mr. DRUIN. And we feel that it should be proportioned out. The ones that allow this land for a low price, they should have to pay more money. We're not against the watershed.

Senator ABDNOR. Well, gentlemen, I guess we could go on but the point is this, it's not up to me to say what you ought to do and I'm not about to. It bothers me to see something as major of a problem as this and what it's done to the area and the people and knowing that this watershed money is accepted by other States. It isn't all that troublesome to get a watershed. I don't know of a more productive area than what we see down here and what it means to the whole economy of our State, as well, but I can't tell you how to pay for it. But by golly, there must be some way. I just hope and pray you work it out because there is nothing I can do and I wouldn't think about forcing you, if I could, but I know there is always enough ways to give and take.

You just said it. If you follow your logic on it, Mr. Johnson, they're not going to vote to change that baby and I suppose it would take a vote to change it so maybe we've got ourselves in a bind back then and that was a major mistake. I don t know how you can recover from it.

Mr. E.A. JOHNSON. Senator, we met in Toby's one night before that March 13 amendment was voted on. We offered them guys to hold up 30 days and get together and study this thing out. They refused us down because they figured they had it won hands down so they refused to get together and kind of work the thing out.

Senator ABDNOR. Well, if you people ever get your act together, I'll be happy to come back and do anything I can. I hope, I really hope, as an outsider looking in, that you do come to some kind of a consensus because I don't think you can afford to let it go on forever, not when you've got this sort of a deal. I'll tell you something else, we are working on an omnibus water bill which covers authorizations projected throughout the United States, but the only kind of water bill that's going to pass in Washington, believe me, from now on is one that has local participation. Everybody was fighting with me because we're talking about user fees for almost 3 years, but in the last 6 weeks they're coming in and agreeing with me now and we're working out something because they know starting in another year projects are going to be tougher to get. I don't care who is elected President, Republican or Democrat. Whether they're dealing with $175 or $200 billion deficit and adding $15 to $20 billion a year to the budget because of the extra spending you did the previous year, they're not going to get more generous.

I don't know how long this formula will stay in place but it's a pretty healthy one. I got a hunch when the budgets get tight, this will take a beating, too. That's all I'm telling you because I'm afraid South Dakota may be the present victim of previous mistakes made among ourselves. We could have had reclamation projects in irrigation. I don't know what's going to happen in the future because that money is not very plentiful and what there is of it there is going to be a lot of people after it. Even people probably more able to put up revenues than we are, having more resources in their State, but I just urge you that if you think it's important, if you think it has some merit, that you ought to give it serious consideration and by golly someplace you can forget the past. Each one of you have reason to be mad at the other side. One took it for granted they could run over you and you showed 'em otherwise, but that doesn't solve the problem, so I hope that you can come up with some kind of an answer. Let us know. We'll do everything we can to make it possible.

Mr. EMMICK. Thank you, Mr. Abdnor. We certainly appreciate your time and we also want to thank you for the letter that you sent out here this past week on the $500 million appropriation for the disaster for the agriculture committee. We needed it up here and we're behind you.

Senator ABDNOR. Thank you. Pretty soon this loan money isn't going to be enough. They can't pay the interest on it the way things are going. I know it and we all know it but this whole thing has turned a little brighter and we do come up with some better answers, part of it I hope it the Turkev-Clay program. Thank you all very much.

[The subcommittee adjourned to reconvene at the call of the Chair.]

[Statements and other material follow:]

STATEMENT OF

WARREN R. NEUFELD
SECRETARY

DEPARTMENT OF WATER AND NATURAL RESOURCES
STATE OF SOUTH DAKOTA

BEFORE THE

SUBCOMMITTEE ON WATER RESOURCES
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

AUGUST 17, 1984

39-625 O - 84 - 5

Mr. Chairman, my name is Warren R. (Bob) Neufeld, Secretary of the South Dakota Department of Water and Natural Resources. It is again a pleasure to appear before you as we jointly address many of the critical water resource issues currently facing the state and nation. The testimony I present here is offered on behalf of not just my Department, but at the request of Governor Janklow and with the support of the other state agencies concerned about South Dakota flood problems.

Injustice is a harsh word that should be used carefully. Yet, that word must be used today to describe the situation that South Dakota now endures in terms of flood problems. We do not fault nature for the flood problems that the state has experienced, since the laws of nature are still essentially beyond man's control. No, the injustice we refer to is not in regard to the laws of nature, but rather with the laws of man - unjust laws that have provided downstream states with flood protection at the expenses of states such as South Dakota unjust laws that provide federal financial assistance to repair downstream flood damages, while denying similar help to states such as South Dakota, unjust laws that allow special interests to block the development of legitimate flood control measures and other water development projects in South Dakota.

The State of South Dakota will not continue to tolerate such injustice. We seek immediate federal support for a comprehensive program to reduce the types of flood problems that have been experienced this year and several past years. Our justification for this request is overwhelming. A brief review of the flood control benefits received by downstream states and the flood damages incurred by South Dakota will illustrate this point.

As a result of the 1944 Flood Control Act, over $1.1 billion has been spent by the federal government for the construction of the six mainstem Missouri River dams located upstream in Montana, North Dakota, and South Dakota. Flood control is a primary function of these dams, and indeed they have served the downstream states very well. The Corps of Engineers has estimated that the total flood damages prevented by the mainstem reservoirs since construction through 1983 has exceeded $1.7 billion. The total damages prevented in 1983 alone has been estimated to be over $102 million, and the estimate for prevented damages this year should at least equal the 1984 level. The cost to downstream states for such flood protection has been absolutely nothing since the flood control features of the Missouri River dams are paid for 100% by the federal government. Of course, in exchange for the downstrem flood control benefits and the loss of lands associated with the construction of the upstream mainstem dams, the upstream states were supposed to receive assistance in the form of irrigation and industrial development. We are still waiting for such development, and if it does occur, we must reimburse the federal government for the associated costs. This clearly does not appear to be an equitable arrangement.

In addition to the mainstem dams, the federal government has constructed an extensive levee system in the downstream states to alleviate flood damages. The Corps of Engineers has built 12 miles of levees to protect Omaha, Nebraska, and another 14 miles have been constructed to safeguard Council Bluffs, Iowa. Spurred by previous flood disasters, these projects were completed in 1954 (just two years after construction started) at a total combined cost of almost $9 million, and have prevented over $200 million in flood damages. The Omaha and Council Bluff levee projects also included 5,000 feet of floodwalls and 18 pumping plants. Another series of levees and appurtenant works is over 50%

complete from Sioux City, Iowa to Rulo, Nebraska at a total cost of about $40 million. The Kansas cities of Topeka, Lawrence, Salina, Ottawa, Manhattan, and Osawatomi are also currently protected by levees. In fact, there are over 260 miles of levees built by the Corps of Engineers in southern Nebraska, Kansas and Missouri, and more are being planned.

It is important to note that the flood control measures constructed by the Corps of Engineers have not been just limited to the Missouri River. Flood control reservoirs and other measures have been built on many of the tributaries of the lower Missouri River. Flood control reservoirs have been built on the Republican River in Nebraska, and on the Kansas River in Kansas. The Stockton reservoir has been built on the Sac River, the Harry S. Truman reservoir has been constructed on the Osage River, and the Pomme de Terre reservoir has been completed on the Pomme de Terre River; all three of these facilities are in Missouri and have been designed to control flooding. Further, the Corps of Engineers has built several flood control measures in Kansas including the Milford reservoir and the Kanopolis, Wilson, Tuttle Creek, Pery Lake, Clinton, Melvern, Pomona, and Hillsdale projects. The levees and reservoirs in southern Nebraska, Kansas and Missouri have prevented flood damages in excess of $809 million through 1982.

In contrast, let us now look at the recent experience in South Dakota. In 1984, widespread flooding occurred in 23 counties in east central and southeast South Dakota. This flooding has directly affected a population of 323,354 residents within the area - approximately 50% of the state's entire population. The 23 counties encompass over 6.7 million acres of cropland and have an economic base that is predominantly agricultural. Due to the flooding, over 1 million acres could not be planted at all. Serious public health problems have developed as a result of the flooding. The Big Sioux Aquifer is the primary source of drinking water for this area, with over 16,000 wells. Virtually all of the municipalities within the area utilize groundwater. This spring the Department of Health received scores of reports concerning the contamination of rural water wells by flood water. Nitrate problems present a serious potential health hazard that is still with us. At least one community (Mt. Vernon) has reported that its public drinking water supply may be non-potable. Also, overloaded storm sewers and damaged sewer systems have resulted in sewage showing up in streams and ditches. Swimming beaches have been contaminated (Lake Carthage), and park areas have been flooded out. Approximately 1,000 miles of state and county roads have been damaged. Bridges and culverts have also been damaged due to hydraulic pressure as well as debris build-up. Individuals, the business community, local units of government and the state will suffer the economic impacts of the flood for a prolonged period of time. Direct damages caused by flooding in 1984 have been estimated to total over $289 million including $1.5 million to private residences, $1 million to businesses, $283 million to farms and crops, and $3.8 million to public (state and local) facilities. These are just preliminary estimates, and the total damage cost could substantially increase after flood damage evaluation teams complete their current field work.

We do not object to the extensive flood protection measures that the federal government has developed in the downstream states. The levees, reservoirs, and bank stabilization efforts undertaken by the Corps of Engineers have certainly provided substantial flood control benefits. We only seek equity. We have experienced extensive flood damages and these damages are greatly compounded in view of the massive federal flood control assistance that has been provided to

downstream states. We are not even eligible for federal assistance to support stream and shoreline protection projects along the Missouri River, but the downstream states receive millions of federal dollars for such efforts. We have experienced over $600,000 in damage this year to recreational areas along the Missouri River reservoirs due to higher water levels caused by the Corps of Engineers' decision to reduce releases this spring for the benefit of the downstream states. The Corps of Engineers has responded that the cost for repairing such damage is a state responsibility, even though the Corps of Engineers holds title to such lands and decided to increase water levels behind the dams in the interest of residents of other States.

We recognize that spring rains this year were particularly heavy, and that many of the state's flood victims are eligible for some federal flood disaster assistance. In fact, the federal government has actually processed our flood claims in a very expedient manner. Yet, it would seem more prudent for the federal government to assist us with flood control measures similar to those enjoyed by downstream states, rather than simply provide partial after-the-fact relief.

It is apparent that we cannot count on our downstream neighbors to support us, and we have serious doubts about the federal government. Consequently, we are initiating our own flood control program to the best of our ability given the limited resources available. Along the James River, we have started a dredging program to return the river channel to its 1922 capacity. This program will take place over the next five years at a cost of more than $5 million. We are exploring with the BHC Development Corporation the feasibility of constructing a 45,000 acre feet ring dike along the James River in Brown County. The ring dike would cost at least $28 million. We are examining the possibility of developing four flood control dams to provide 16,250 acre feet of storage in the Marshall Hills area at a cost of over $10 million. The James River Watershed District is currently engaged in a program to remove log jams and debris that have been obstructing the river flow. The District has taxed its constituents to fund a major portion of this effort, and the state has provided a $70,000 CDBG award to cover the remaining costs. The City of Olivett is also involved in a river clean-up programs and has received a $75,000 CDBG award to support this effort.

Along the Vermillion River, the Turkey-Clay Watershed District has developed a 10 year plan to relieve flooding in the basin by 72%. This effort has the full support of the state, would cost over $10 million, and has a B/C ratio of 1.5:1. The Turkey Ridge Creek watershed plan has also been developed and it would reduce flooding along this Vermillion River tributary as well as reduce the flow of water into the Vermillion River itself. Landowners in the Centerville area are now in the process of organizing a legal entity to formulate and implement a river improvement program in their area. Similar efforts are also underway by landowners along the Big Sioux River in the Renner area and other areas may soon join this effort.

Senator Abdnor, we recognize that you have included in the proposed Water Resources Development Act of 1984 authorization language for a James River channel restoration and improvement program at a federal cost of $20 million. We commend you for this leadership and fully support your objectives. Such a program would allow us to develop the off-stream storage facilities, the small impoundments on critical tributaries, and the other features that we so desperately need to alleviate flood damage and regulate river flows. We

certainly hope you are successful in obtaining Congressional approval for the James River flood control program.

We are willing to do whatever is necessary and reasonable to control the rivers of this state and reduce flooding, while protecting the environmental values provided by our river resources. We would willingly accept the involvement of the federal government in this endeavor. Any such federal assistance would be a positive step towards correcting the current situation of costly flood damage and injustice.

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RESPONSES FROM THE CORPS OF ENGINEERS

Q. What damages were sustained in 1998 by all recreation areas along the Missouri River downstream from Gavins Point Dam--including the identification of who is responsible for the necessary cleanup and repairs?

Response: The Corps of Engineers has cost-sharing agreements with local public entities for the development of 21 river access recreation areas along the Missouri River in Nebraska, Iowa, Kansas, and Missouri. These cost-sharing agreements are in accordance with the cost-sharing principles of the Federal Water Projects Recreation Act of 1965 (Public Law 89-72). During the spring of 1998, all access points sustained some damages from floodwaters but detailed damage estimates are not available. Up to one foot of silt was deposited over six recreation areas, including Wilson Island State Park, Friendship Park, and Longs Landing, which are located in Iowa, and Haworth Park, Nebraska City, and Dodge Park, which are located in Nebraska. Damage to the structures located in the areas was minimal. Under the terms of the cost-sharing agreements, the local public entities are responsible for providing all operation, maintenance, and replacement of facilities during the economic life of the recreation area. Most of the areas were closed for a month or more while cleanup was accomplished. Some facilities were closed for the entire recreation season. If the affected river access recreation areas are located in counties included in the Presidentially declared disaster area, Federal funds under the Federal Emergency Management Agency (FEMA) could be made available for emergency work.

In addition to the river access areas developed by the Corps of Engineers, damages were sustained at other recreation areas operated by other public, nonprofit, and private interests. An inventory of damage to these facilities has not been made. The Missouri Department of Natural Resources has made application to FEMA for assistance with repair of the June 1998 flood damage at both Big Lake State Park in Holt County and Lewis and Clark State Parks in Buchanan County, Missouri. Holt and Buchanan Counties were declared Presidential disaster areas following the flood of June 1998. The damage at Big Lake State Park is estimated to be approximately $50,000 and at Lewis and Clark State Park, the damage is estimated to be approximately $8,000.

Q. What are the cost-sharing arrangements for recreation facilities at the Harry S. Truman Dam and Reservoir on the Osage River at Warsaw, Missouri?

Response: At the Harry S. Truman Dam and Reservoir, the public use areas were initially planned for construction at 100-percent Federal cost. Twelve public use areas are scheduled to be completed as initially planned and will be operated and maintained at Federal expense. Evolving policies have resulted in variations in cost-sharing for other public use areas. The Osceola City Park facilities were Federally constructed; however, the city has reimbursed the cost and is operates and maintains the park. At the Harry S. Truman State Park, some facilities were constructed at Federal expense. The State of Missouri operates and maintains the park and has added to the facilities using non-Federal financing. Although all of the facilities at Cross Timbers were constructed at Federal expense, the State operates and maintains this public use area. The public use area at the City of Roscoe was also constructed at Federal expense; the city, however, operates and maintains this public use area. Four of the initially planned areas will be opened; however, the facilities will not be fully constructed pending the

identification of non-Federal sponsors to cost-share the unconstructed facilities and to operate and maintain the facilities. One of the initially planned public use areas has been deleted from the project schedule. It will not be constructed until a non-Federal sponsor has been identified to share the cost of construction and to operate and maintain the area. Recreation facilities at Warsaw are replacements of facilities impacted by hydropower operation at the Truman project and the costs are allocated to the hydropower function.

Q. What are the cost-sharing arrangements for recreation facilities on the Missouri River main stem reservoirs?

Response: All of the main stem reservoir recreation areas constructed prior to the Federal Water Projects Recreation Act of 1965 (Public Law 89-72) as amended, were constructed at 100-percent Federal expense. All of these recreation areas were originally operated and maintained at Federal expense. A small number of the recreation areas on the main stem have been leased by non-Federal entities under provisions of the Flood Control Act of 1944. Most of the recreation areas, however, continue to be operated at 100-percent Federal expense. Recreation areas constructed subsequent to Public Law 89-72 are cost-shared in accordance with the cost-sharing principles of this Act. Table 1 presents a listing of the number of recreation areas in each category at each reservoir.

Table 1
Missouri River Main Stem Reservoirs
Recreation Areas

Project	Number of Recreation Areas Constructed Prior to 1965 at 100% Federal Cost	Number of New Recreation Areas Constructed After 1965 with 50-50 Cost-Sharing	Number of Recreation Areas Expanded After 1965 with 50-50 Cost-Sharing
Fort Peck Lake	12	2*	0
Lake Sakakawea	28	4	0
Lake Oahe	39	4	12
Lake Sharpe	19	0	2
Lake Francis Case	25	2	9
Lewis and Clark Lake	25	0	0

*Cost-sharing provisions waived by congressional authority, constructed in 1978.

Table 1 includes a recreation and fishing development project that was requested by the South Dakota Department of Game, Fish and Parks for the four main stem projects in South Dakota--Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake. This development project, which is currently under construction, is approximately 85 percent complete. The project consists of expanding the recreation facilities in 24 existing recreation areas, establishing 5 new areas, developing 18 fishing areas, and providing 5 cultural resource interpretation areas. This project is being cost-shared with the State of South Dakota in accordance with the cost-sharing principles of Public Law 89-72. The total estimated cost is $5.6 million for recreation, $1.4 million for fishing development, and $30,000 for cultural resources. According to the cost-sharing agreement, operation and maintenance (O&M) responsibilities for each agency, after construction, will be assigned based on operational zones. These operational zones were defined to avoid duplicating O&M responsibility, to maximize management efficiency, and to reduce manpower needs.

Q. What are the cost-sharing arrangements for recreation facilities at all other reservoir projects within the Omaha and Kansas City Districts?

Response: Recreation facilities constructed prior to 1965 were generally 100-percent federally funded for capital construction and operated and maintained by the Federal Government. Recreation facilities constructed subsequent to 1965 were cost-shared in accordance with the cost-sharing principles of Public Law 89-72. Exceptions to this rule have occurred when non-Federal interests assumed the responsibility of capital construction and/or operation and maintenance for various reasons, including the expansion of existing facilities. Table 2 presents specific information on recreation facility cost-sharing arrangements for reservoirs in both Omaha and Kansas City Districts.

Table 2
Cost-Sharing Arrangements

Project	Capital Construction	O&M
Chatfield Lake, CO	Pre-1965, 100% Federal	State of Colorado
Cherry Creek Lake, CO	Pre-1965, 100% Federal Post-1965, Cost-Shared	State of Colorado
Bear Creek Lake, CO	50-50 Cost-Shared	City of Lakewood, CO
Rathbun Lake, IA	100% Federal*	Corps of Engineers
Clinton Lake, KS	100% Federal*	Corps of Engineers
Hillsdale Lake, KS	No Facilities**	Corps of Engineers
Kanopolis Lake, KS	100% Federal*	Corps of Engineers
Melvern Lake, KS	100% Federal*	Corps of Engineers
Milford Lake, KS	100% Federal*	Corps of Engineers
Perry Lake, KS	100% Federal*	Corps of Engineers
Pomona Lake, KS	100% Federal*	Corps of Engineers
Tuttle Creek, KS	100% Federal*	Corps of Engineers
Wilson Lake, KS	100% Federal*	Corps of Engineers
Blue Springs Lake, MO	50-50 Cost-Shared	Jackson County, MO
Long Branch Lake, MO	50-50 Cost-Shared	Missouri Department of Natural Resources
Longview Lake, MO	50-50 Cost-Shared	Jackson County, MO
Pomme de Terre, MO	100% Federal*	Corps of Engineers
Smithville Lake, MO	50-50 Cost-Shared	City of Smithville and Clay County, MO
Stockton Lake, MO	100% Federal*	Corps of Engineers
Harry S. Truman Dam Reservoir, MO	100% Federal***	Corps of Engineers and others ***
Harlan County Lake, NE	100% Federal	Corps of Engineers
Papillion Creek and Tributaries Lakes, NE	50-50 Cost-Shared	State of Nebraska, City of Omaha, and Papio Natural Resources District, NE
Salt Creek and Tributaries Lakes, NE	100% Local	State of Nebraska and City of Lincoln
Bowman-Haley Lake, ND	Pre-1965, 100% Federal	Bowman County, ND
Pipestem Lake, ND	50-50 Cost-Shared	Corps of Engineers and Stutsman County, ND
Cottonwood Springs Lake, SD	Pre-1965, 100% Federal	Corps of Engineers
Cold Brook Lake, SD	Pre-1965, 100% Federal	Corps of Engineers

*State operates and maintains a State Park and may have added facilities.
**At Hillsdale Lake, separate recreation lands were acquired to preserve the recreational potential; however, since there are presently no local sponsors for recreational development, development has not occurred.
***Some variations, see earlier response.

Q. Explain and verify the U.S. Army Corps of Engineers' position on assisting the State of South Dakota in repairing damages to State-operated recreation facilities on the Missouri River main stem reservoirs caused by the high reservoir levels of 1984.

Response: The Corps' participation in funding the repair of damaged recreational facilities will be governed by the following:

- Where the damage occurred to the cost-shared facilities while they were still in the process of construction under the 50-percent reimbursement agreement, the Corps and the State of South Dakota would bear an equal share of the loss.

- Where recreational facilities were constructed and operated solely by the State of South Dakota within its administrative zone, such facilities are the responsibility of the State under Article 4 of the Agreement and Section 5 of the Lease.

- Where preexisting recreational facilities were constructed in the past and are not affected by the cost-share agreement within the administrative zone of the Corps, the Corps will be responsible for any completed facilities it has accepted within its management zone.

- The State would have the sole responsibility for repairing or maintaining any cost-shared facility at any of the projects that were turned over to the State under the Agreement, pursuant to the maintenance and repair provision in Article 7 of the Agreement and pursuant to Section 2 of the leases that were issued for these projects. Likewise, the State would have total responsibility for repairing any preexisting facilities that were turned over to the State under the leases, even if such facilities were not built pursuant to the cost-sharing agreement.

Q. What are the results to date of the flood control portion of the Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, study?

Response: In the Eastern South Dakota study, opportunities to alleviate flood damages in both urban and rural areas are being explored. The rural flood control studies are mostly at the stage of identifying problems and opportunities. Information from the 1984 flooding is being incorporated into the studies. A total of 95 communities have been screened to determine which ones have significant flood damage potential. Through this process, it appears that only 12 communities, all in South Dakota, have significant potential for flood damages. These 12 communities are presented in Table 3.

Table 3
Communities with Flood Damage Potential

Big Sioux Basin	James Basin	Other Basins
Sioux Falls	Aberdeen	Yankton
Dell Rapids	Westport	Blunt
Trent	Frederick	Sisseton
Brookings		
Bruce		
Watertown		

Sioux Falls, Watertown, and Yankton will be studied as part of the Eastern South Dakota study. The remaining nine communities were field inspected to estimate potential flood damages. Of the nine that were field inspected, six have potential annual damages sufficient to formulate alternative plans to alleviate future flood damages. These six communities are Aberdeen, Blunt, Brookings, Dell Rapids, Frederick, and Trent. The estimated annual damages at these sites are presented in Table 4.

Table 4
Estimated Annual Damages

Community	Flood Damage Potential
Aberdeen	$54,400
Blunt	26,900
Brookings	11,500
Dell Rapids	54,200
Frederick	18,700
Trent	8,100

Feasibility studies indicate that there are no economically justifiable structural solutions at any of these six communities. A flood warning system and regulation of construction in the flood plain appear to be the best solutions.

Q. What was accomplished with the $25,000 appropriated in 1963 for bank stabilization in the Lower James River?

Response: Our records do not indicate that $25,000 was available for bank stabilization in 1963. Investigation of flood and other water resources problems in the James River basin was authorized in 1943 and funds were made available in 1945. A plan for potential reservoir storage, channel improvement, and drainage met with stiff local opposition. Resolution of the local interests' concerns was not immediately possible and the study remained inactive until 1963. The study was then reactivated and a plan for potential improvements consisting of dams on the James River and Pipestem Creek was developed. The Oahe Conservancy District and the State of South Dakota requested a delay in the submittal of the South Dakota portion of the report. As a result, an interim report recommending only the Pipestem Creek project at Jamestown, North Dakota, was submitted. Construction of Pipestem Dam was completed in 1977.

STATE OF SOUTH DAKOTA

HOUSE OF REPRESENTATIVES

PIERRE

August 17, 1984

Sen. James Abdnor
Chairman
Water Resources Subcommittee
U.S. Senate
Washington, D.C.

Dear Sen. Abdnor:

Thank you for the opportunity to present some written testimony to you and members of the Senate Water Resources Subcommittee while meeting in Vermillion, South Dakota.

As you well know, the Southeastern area of South Dakota was hard hit by the floods this Spring. This region was hit by raging waters of the Vermillion, the James and the Big Sioux Rivers and innumerable Creeks and tributaries. Much of the land was never planted or planted late in soybeans with the hope of a very late Fall.

To say the least, many of our farmers are on the very edge of total collapse financially and emotionally.

It would be my hope that our federal government would act a little faster in getting disaster aid to the people so that replanting could be accomplished as soon as possible. Also on this point, I note in the paper that the Federal Land Bank of Omaha will raise its interest rates on agricultural loans by one percentage point next month. This of course will have a detrimental affect on Midwestern farmers. This is an indication of a weak economy in our agricultural community.

More federal resources need to be utilized by the Corps of Engineers along the Missouri for bank stabilization and projects need to be started along the above mentioned rivers. If major projects can not be financed by the federal government, I would hope that low interest loans could be granted private groups and individuals who want to accomplish area-wide projects such as the Centerville project along the Vermillion River.

These are my suggestions for assisting those who have been hardest hit and for long-range planning. We will continue to have floods, and we need to be prepared the next time it occurs whether it is next year or in ten.

Thank you again for the opportunity to present my testimony.

STATE OF SOUTH DAKOTA

HOUSE OF REPRESENTATIVES

PIERRE

I do sincerely hope that many good suggestions will come out of this hearing and that some of them can be put into action.

Most sincerely,

Mary B. Edelen

Rep. Mary B. Edelen
State Representative
Clay and So. Union Counties
311 Canby St.
Vermillion, S.D. 57069

DON WELBY
BOX 85
GAYVILLE, S.D., 57031
605-267-2166

AUGUST 17, 1984

The erosion of the James River banks began on my property on June 25th, 1984. It took an area about 1000' long and 190' wide in eight hours, necessitating evacuation of our home. We lost about 2½ acres of land and 60 grown trees, some of which were 100 years old, but most of which were grown since 1960 as replacements for those lost at that time to the river. Some of those lost this year were cedar, but mostly hackberry. We also lost a 350# calf and are in danger of losing an artesian well. Part of my driveway was taken by the river as well.

On the 22nd of June I could see we were going to have trouble because the river was traveling so fast. I called the Corps of Engineers in Omaha to request that they release more water from Gavins Point Dam so as to slow the flow on the James, but they refused. On the 23rd of June I called them again with the same request and again I was turned down. By the 23rd of June, Gary Heine, who has farm ground south of me had begun losing farm land to the river, and I suggested he call the Corps in Omaha, which he did, but he got the same response I did.

On the 25th of June, the erosion began on my property at 10 A.M. and by 6 P.M. I had lost the land I mentioned, the trees, the cesspool, a portion of my graveled driveway, making it unsafe, and came very near losing our house, so close in fact that friends and neighbors, at the urging of the Civil Defense, gutted it, trying to salvage what they could. The house remains, but it is unsafe to live in. The Corps said they would be out to assess the damage, but to my knowledge they haven't come and it is almost two months since the damage was done.

This is not the first time I asked for help from the Corps. In 1960 I had the same trouble with the James, and at that time I was told they couldn't help an individual, that if there were more people being affected, they could. Now there are many more and still there is no help available to us. I think it is about time the government take some responsibility for the damage the James has caused, since it has been only AFTER the dam was built that our trouble began. By shutting off the flow at the dam it allows the James to run wild. A stabilization plan for the James River banks should have been carried out first. It would have averted today's problem and been much less costly. In 1963 there was $25,000 appropriated to start rip-rapping on the James, beginning at the mouth. A year

later I asked George McGovern to find out why nothing had been done. I was told the money had been used to study the project. There was never any visible signs that this was done, so I don't know what happened to the money.

I was told by the Corps I cannot put any fill along the banks to stop further erosion as it is government waters. That being true, then by the same token the government should be liable for the damages their waters do to private lands we as citizens pay taxes on and depend on for our livelihood, even as private citizens are liable for damages done to someone else's property.

I have had well over $100,000 damages in the last 24 years. In 1960 I lost 7-8acres of farm land, a barn, trees, machine shed, chicken house, and miscellaneous items, plus the expense of moving a barn and the house 250' east and set on new foundations. I had to have a new basement dug, a cesspool built, and a well dug for the house. Now in 1984 I am forced to make the decision as to whether to move the house again. I have been given an estimate of $30,000 to move the house and get it back in livable condition again. I will again need a new basement, cesspool, water system, and the house will need some re-wiring due to the haste of the moving. My land has been depreciated in value considerably, and the trees we lost can't be replaced in my lifetime.

A man by the name of Noor or Nohr, supposedly with the Corps of Engineers in Pierre came by the farm a week or so ago. He told me that the Corps will not help private landowners. If it were public lands affected they have funds available to fix it. He told me I would have to go through ASC. Why discriminate against private owners?

Something should be done about boats with motors larger than 10 HP. Larger boats throw such a wake they erode the banks badly. I stood on the bank last Sunday and watched chunks fall in when the larger boats went by.

My neighbors and I would surely appreciate <u>any</u> help anyone in government can give us. We can't do it ourselves.

Thank you, Mr. Abnor, for your concern and attention to this problem.

Don Welby

PHOTOS SUBMITTED BY DON WELBY

Erosion comes to within 50 feet of house

Extent of erosion and fast flowing river

Some of the 60 trees lost to the river

ESTIMATION OF 1984 LOSS,

SUBMITTED BY DON WELBY

2½ acres land at $2,000 (two weeks before damage, I had offer of $6,500 for ½ a. riverfront, $5,000.

House. Includes cost of move, reset on basement, new cesspool, electrical repair, $30,000.

60 full grown trees, some 100 yrs. old at $500 per tree, $30,000.

350 lb. calf, $200; wagon, $100; antique corn sheller, $1,000.

Partial loss of driveway. Property remaining devaluated drastically. Artesian well in danger—would cost $4,000 to $5,000 to replace.

In 1960 we incurred similar damages to our home and property which would, in combination with the 1984 loss, bring the total loss to an estimated $100. We, with Mark Welby, filed a claim for damage of $12,745 in 1960, but received no payment.

LOWER JAMES CONSERVANCY SUBDISTRICT
LOWER JAMES RIVER CLEANUP
PLAN FORMULATION DOCUMENT

1984

Summary and Conclusions

The South Dakota Department of Water and Natural Resources has documented the need for channel cleanup including dredging of the lower James River basin. The DWNR report entitled "Plan Formulation Document, South Dakota Dredge Program, James River Basin" defines the lower reach as that portion of the river downstream of the Highway 42 crossing east of Ethan. The DWNR report implies that the goal of the dredge program on the James is to restore the channel to the 1922 capacity. DWNR states that the river is currently less than 1922 capacity in two of five specific-subreaches of the defined lower reach as shown on figure ____. It is assumed that the major portion of cleanup and dredging program will concentrate on the deficient subreaches and other specific problem areas which may be identified by initial surveys.

The Lower James Conservancy Subdistrict proposes to coordinate the lower James Basin cleanup and dredging program beginning in 1984. The advantages of proceeding immediately with the lower reach include:

1. Improvements on the lower reach prior to or concurrently with improvements on the upper reaches will prevent potential adverse impacts resulting from improved flows out of the upper reaches being obstructed by the existing lower reach.

2. The nature of the dredging on the lower river is conducive to contracted machinery hire, thereby reducing the lead time necessary to obtain equipment.

3. Local matching funds and in-kind contributions are immediately available from the Lower James Conservancy Subdistrict and the Lower James Flood Control Association.

The Lower James Conservancy Subdistrict proposes the following schedule for cleanup and dredging:

June 25 - July 10, 1984	Surveying of lower reach
July 11 - July 25	Prepare bidding documents
July 26 - August 15	Advertise for bids
September 3	Contract award and work start
September 3 - November 15	Channel cleanup and initial dredging
February 15 - November 15,1985	Completion of dredging

The following project costs have been estimated by DWNR, based on initial estimates by the Lower James Conservancy Subdistrict:

Surveys	$ 105,000
Channel cleanup	745,000
Dredging	455,000
Disposal Site Easements	$ 100,000
Total Project, Lower Reach	$1,405,000

The following funding scenario is proposed by the Lower James Conservancy Subdistrict and the Lower James Flood Control Association:

Sponsor	Amount	Source
Calendar Year 1984		
Lower James CSD	$ 50,000	FY 1984 Budget
Town of Olivet	45,000	HUD CDBG
Lower James FCA	150,000	In-Kind, Easement and Equipment
Lower James CSD	100,000	Prior CETA Project
DWNR	150,000	FY 1984 WFCF
Subtotal	$ 495,000	
Calendar Year 1985	$ 910,000	Local and State to be defined
Total	$1,405,000	

Introduction

The valley of the James River in South Dakota is subject to frequent flooding. The flooding is due to a number of factors including a flat channel gradient, an extremely meandered channel and natural and man-made constrictions to flow.

Previous studies have estimated the channel capacity of the James in recent years as compared to the capacity of the river based on a 1903 detailed survey. The present channel capacity is apparently most adversely affected on a relative basis in the upper basin where much of the channel is estimated to have only 30% to 50% of the 1903 capacity. However specific reaches of the lower basin presently have only 75% to 80% of the 1903 capacity which results in unfavorable flood frequency with the magnitude of flood water out of the channel approaching that of the upper basin.

Project History

The State of South Dakota and the Lower James Conservancy Subdistrict have reviewed a number of plans for improving the river and/or reducing flooding damages. Of the plans reviewed, clearing the channel of detrimental debris and removing excessive sediment which has accumulated in the channel appear to be the methods of choice. Channel cleanout and control bridging provide maintenance of most existing land uses, reduction in flood frequency and duration, positive environmental impacts of improved aesthetics by removing trash and abandoned man-made structures and limited adverse environmental impacts due to disruption of wildlife habitat.

The condition of the lower James basin below the Highway 81 crossing east of Ortley was surveyed by the Lower James Conservancy Subdistrict in 1974 and 1975 and the findings reports describing Phase I and Phase II of a [illegible] program. The surveys were an inventory of [illegible] man-made obstructions and trash within the [illegible]. From the surveys a 1975 cleanup and dredging cost estimate of approximately $1 million was developed. The Lower James Conservancy Subdistrict coordinated an environmental effort to obtain state funding for the project in 1975 and 1976.

The Lower James Flood Control Association and the Lower James Conservancy Subdistrict coordinated a limited snag and obstruction removal program in 1977 and 1978. The program was funded in part by CETA job training programs and was coordinated with local counties which provided supervision and equipment.

Project Description

The Lower James Conservancy Subdistrict proposes to proceed with the cleanup and restoration plan recommended by the South Dakota Department of Water and Natural Resources in the December 1983 draft plan Formulation Document. The program as described by DWNR includes updating the 1974 and 1975 reconnaissance surveys, a detailed topographic survey, channel cleanout, dredging and material disposal.

The DWNR report recommends that the reconnaissance survey be updated concurrently with the detailed topographic survey. However, the Subdistrict proposes to update the reconnaissance survey as a first step in the improvement project. The reconnaissance survey update is a relatively low-cost item and will provide needed verification of the quantity of work to be performed. The update will also provide an opportunity to more carefully plan and schedule topographic survey efforts. Topographic surveys will include a minimum of two cross sections per mile of river channel with more cross sections where dredging is anticipated. Recent USGS cross section information will be used where available.

The Subdistrict proposes to describe the lower reach cleanup and dredging in subreaches as identified in the 1974 and 1975 reconnaissance studies and the DWNR plan formulation document. The subreaches are as follows, beginning at the mouth:

Section IA - Month to near Mission Hill
Section IB - Mission Hill to Highway 81
Section IIA - Highway 81 to Scotland
Section IIB - Scotland to Olivet
Section III - Olivet to Highway 44
Section IV - Highway 44 to Highway 42

Cleanup efforts will be coordinated to match the requirements identified by the reconnaissance survey. The Lower James Flood Control Association will provide manpower and equipment for snag and trash removal where farm equipment is adequate for the task. Where large trees or snags are encountered hired equipment will be constructed, probably simultaneously with dredging.

After cleanup efforts have been completed on each subreach of the river, significant sandbars will be removed by mechanical dredging. Dredging will be bid and contracted on a per location, per yard basis. Disposal sites will be obtained by the Lower James Flood Control Association. Material will be hauled by truck to the appropriate sites.

The Subdistrict proposes to coordinate cleanup and initial mechanical dredging during calendar year 1984. Final dredging will be completed in 1985.

Project Funding

The Lower James Conservancy Subdistrict and the Lower James Flood Control Association propose to jointly sponsor the cleanup/dredging program. The Lower James Conservancy Subdistrict will provide $25,000 in local matching money for the overall project and $25,000 previously committed to the HUD CDBG project. The Lower James Flood Control Association will provide disposal easements valued by DWNR at $100,000 and equipment and labor estimated to be valued at $50,000.

The Town of Olivet has previously been awarded a HUD Community Development Block Grant of $45,000 by the South Dakota Department of Water and Natural Resources on behalf of the Lower James Conservancy Subdistrict. The Subdistrict will coordinate application of the CDBG funds to coincide with the overall effort.

The Department of Water and Natural Resources currently has budgeted $400,000 from the Water Facilities Construction Fund for dredge operation on the upper James. Since it now appears that the dredges will not be operational in time to require the budgeted operational expenditure in calendar year 1984, the Subdistrict requests that a portion of budgeted operation funds be transferred to contracted cleanup and dredging on the Lower James. This will allow James River improvements to begin earlier and will provide for initial work in the lower reach of the river.

The Subdistrict and the flood control association anticipate that lower basin cleanup will be completed in calendar year 1985. The flood control association is pursuing development of a special purpose district to provide revenue for local match money in 1985. The local funding will be combined with State contribution to complete the project in 1985.

Legal and Institutional

The Subdistrict will, with the assistance of DWNR, obtain the necessary environmental review and permits for the project. The requirements are anticipated to be similar to those outlined by DWNR for the river in general. However, since the desired relative change in river capacity on the lower reach is less than that of the upper reach, less significant change in the river is anticipated along with a lesser environmental impact.

Rural Route 1, Box 54
Mission Hill, South Dakota, 57046
August 16, 1984

Senator James Abdnor
United States Senate
Washington, D. C.

Dear Honorable Senator James Abdnor:

As a lifetime resident of sixty-eight years of the James River Valley, I have witnessed many floods. This past flood was devasting to my property. I would like you to consider appropriating money for a Flood Control Project for the James River to the Congressional Committee.

During the past flood season of the spring of 1984 the James River damaged thirteen acres of land by washing it away at a total estimated cost to me of $78,000. The impact of cropland lost is just the initial loss but one must consider the environmental impact of loss of wildlife habitat and fifty trees with an estimated value at two hundred dollars a tree or $10,000. In reality these trees were priceless as a stabilizing force to the bank. Since July, with continued erosion one hundred more trees are being threatened with the the river's continual eroding power.

I would like to endorse the James River Project proposed for bank stabilization through the Army Corp of Engineers as follows;

a. riprap the banks
b. to reinforce the banks to hold the water within the banks that is continually released from larger dams on the Missouri River.

Due to rapid erosion conditions, I would urge the Congressional Committee under your direction to act on this proposal with the utmost urgency.

Thank you for your time and continued support on the James River Project.

Please advise if any more support is needed in Congress from the James River Community.

Sincerely,

Raymond Magorien

Raymond L. Magorien

Dear ~~SIR~~: Jim: - I am afraid that our organization as proposed is far from perfect and would like to improve it.

For more than 50 years, I have owned land on both sides of the James River and have about one mile of riverfront in Butler Township, Sanborn County, South Dakota. I have studied and have taken pictures of the James River from north of Redfield to south of Mitchell. I have almost fifty large aerial views plus some still pictures I took on my own farm. These pictures are of the highest quality. I want to preserve them for the future, either by giving them to a library or one of the organizations working to preserve the James River channel in its present form.

I have 40 acres of river bottom land that floods every single time the James River gets out of its banks. I had almost four feet of water this spring, 1984, on my land. I am deeply concerned about what happens to this river, and about the possibility that Garrison project return flows will make the flooding problem worse.

If the Canadian government would not allow this foreign polluted water, then I don't want it either. If we need a few dams to impound water on the James River, I would be willing to give perpetual flooding easements to the government anytime. In that manner we could stop flooding or reduce it and have a constant supply of water. Any water that is a run off from an irrigation area contains not only impurities but also large quantities of saline solution and alkali. Small dams constructed by pioneers worked well to control flooding on the James River. However, I do not believe that the Garrison Extension as proposed will enhance our river.

A Concerned Citizen,

Cecil W. Duncan

Cecil W. Duncan
B + 68
Mitchell, S. D.

TESTIMONY

of the

SIOUXLAND INTERSTATE METROPOLITAN PLANNING COUNCIL (SIMPCO)

to the

WATER RESOURCES SUBCOMMITTEE

of the

ENVIRONMENT AND PUBLIC WORKS COMMITTEE

of the

UNITED STATES SENATE

U. S. Senatator James Abdnor, South Dakota
Chairman

by

Don Meisner, SIMPCO Director

August 17, 1984
Vermillion
South Dakota

Senator Abdnor, committee members of the subcommittee: I am Don Meisner, Director of the Siouxland Interstate Metropolitan Planning Council (SIMPCO), a council of local governments operating in southeastern South Dakota, northwestern Iowa and northeastern Nebraska.

The Missouri River Preservation and Development Committee, Lower Big Sioux River Flood Control Committee, Perry Creek Flood Control Committee and SIMPCO staff have long been involved in water resources research, planning, policy development and project implementation.

My topics today are the need for flood control on the Big Sioux River upstream from Sioux City and Missouri River issues. Many floods have occurred on the lower Big Sioux River, including the floods of 1951, 1952, 1957, 1960, 1964, 1965. The flood of record is 1969. During the period from 1870 to 1973, there was a total of 79 floods. Recent floods occurred in 1973, 1977, 1978, 1979, 1980, 1982, 1983, 1984.

A flood control project was designed and authorized by the Flood Control Act of 1965. This was a channel straightening and improvement project from Sioux City to Akron. This $11.5 (1971 dollar) project was not constructed due to environmental concerns, lack of support by Iowa agencies and some local opposition. In 1969, a 5-dam project was proposed for the upper Big Sioux River. This project was never authorized due to local opposition.

The lower Big Sioux River Flood Control project (5.5 miles) was made possible by separating it from the dormant Sioux City to Akron project and having it authorized separately by the Flood Control Act of 1968. This project was completed in 1980 and has worked as designed.

Floods above Sioux City and North Sioux City still occur as indicated. The frequency and severity of the flooding appear to be increasing.

It is extremely difficult to justify channel improvements or agricultural levee projects under the current principles and standards. This is true because:

--Construction costs have risen at a higher rate than agricultural land values. (The Federal Land Bank recently reported the drop in both Iowa and South Dakota farmlands for the second straight year.)

--High interest rate (8 1/8% and rising) as applied to capital investment of improvements. (A $100,000 project would require $8,125 annual payment over a 50-year project life.) $100,000, therefore, costs $406,250 in the benefit/cost study required of the principles and standards. We charge ourselves too much for these projects.

The damages, however, continue. These damages become extremely onerous when grouped with high cost of credit, low crop prices and high production costs.

A restudy of the lower Big Sioux River flooding is taking place now under the East Dakota study. It is doubtful, due to the above considerations, that a suitable project can be justified.

What can we do? We believe that there is a definite need for flood protection. We should either rethink and redefine the principles and standards for agricultural flood control projects especially in light of the troubled nature of agriculture; or authorize agricultural demonstration projects where we could test a variety of measures to reduce flood damages including minimal channel work, levees, and certain types of storage.

Missouri River Issues

Water resources development in the Missouri River Basin is less than it could be. This is due to many factors including congressional conflicts, competition for water, lawsuits, political ambitions and the inability of the states to make significant progress on a method of resolving problems.

The basin states need to utilize existing Corps authority and capability to study water resource needs, allocation, pricing, water management, erosion, fish and wildlife concern, mitigation and hydropower. The purpose of the effort would be the preparation of a plan for full development of the Missouri River Basin that would be acceptable to both the Congress and the Missouri Basin States.

I have included a copy of a proposal to the Missouri Basin States Association to accomplish these ends.

The Congress also needs to direct the U. S. Army Corps of Engineers to address problems associated with the Missouri River projects including the Pick-Sloan Plan. This work can be done under existing authority and should include the concerns of bed degradation, head cutting, erosion, drainage, flood control project damage, sill damage, mitigation and navigation.

With the completion of two such activities, we would have the alternatives available to proceed to reach full development of the Missouri River Basin.

Aug. 2, 1984

PROPOSAL

to

MISSOURI BASIN STATES ASSOCIATION

on the

MISSOURI RIVER BASIN
the next 40 years

The 40 year anniversary of the 1944 Flood Control Act that authorized the Pick-Sloan Plan is an appropriate time to chart our path for the next 40 years, to 2024.

We are all aware of the great accomplishments that have been made over these 40 years. Accomplishments that work when we have too much water and as a hedge against drought years. Accomplishments that allow navigation, permit recreation, allow hydro power generation and makes possible irrigation. We are also aware of organizational changes for addressing our priorities and concerns. From the early planning committees to the Missouri Basin Interagency Coordinating Committee (MBIAC), the Missouri River Basin Commission (MRBC) and the Missouri Basin States Association (MBSA), we have observed progress and change.

We are aware of great changes during these 40 years--Changes in values that;

--demand a higher regard for natural qualities,
--demand a cost/benefit approach,
--demand project input from and to all levels on any water development scheme.

Changes in the National scene that;

--make water resource development very expensive in terms of time and money,
--allow and promote continued relative decline of the Missouri River Basin,
--prohibit a sound, permanent and dependable basis and funding mechanism for water resource planning,
--puts much more emphasis on private enterprise and states for water resource development.

Changes at the State level that;

--tend to shorten the water planning horizon to coincide with political ambitions and terms of office,
--increase competition for development resources,
--increase the time and attention demands on our legislators and chief executives.

I am not at all sure that the increased emphasis on State leadership is good. History will be a better judge than we can be. It is apparent to me, however, that now is the time for the Missouri River States to accept the challenge,

get our houses in order and build our capacities to achieve what we collectively decide upon--the best possible multi-use development of our water resources.

What the states must do?

1. Identification and quantification of current and future issues.

2. Conflict resolution mechanism. The process now under way should lead to the formation of a strong process and compact mechanism.

3. Develop funding sources for water resource planning and development.

4. Build coalitions at both the government and business level.

5. Institute organization changes that provide direct participation by the governors and legislatures.

This Five Step process should include:

1. ISSUES

The issues should be identified by state, local, regional and national groups. The process must include the Corps and Bureau and other legitimate federal interests. This planning process should lead to development of a Master Plan. We have some of the tools necessary including framework studies, MBSA studies, water accounting system, current Corps authority and capability. General Sisinyak presented a rough blueprint for progress in Billings in 1982.

Action on Issues

a. Identification
b. Quantification
c. Alternative development
d. Evaluation
e. Selection
f. Implementation
g. Post audit

2. CONFLICT RESOLUTION

The progress that has been made by MBSA is noteworthy. I believe Gary Carruthers' comments at the August 1983 Conference on the Pick-Sloan Plan need serious consideration. We need to proceed to compact. We simply do not need lawsuits and other legal actions between the states. I realize full well that some of you believe that one state really "won" or "lost" on the ETSI conflict. I believe we all lost and are losing because of it.

We need the Compact to allow us to adjudicate our water issues. We need the Compact to be the permanent, dependable mechanism to assist in Master Plan implementation, water adjudication, water allocation, water pricing, and basin account decisions.

Action on Issues
a. Water Resource Agreement process
b. Compact study committee
c. Compact development
d. State approval
e. Federal approval
f. Implementation

3. FUNDING SOURCES

The states are receiving more power and responsibility that was abdicated years ago. Funding for planning and development must be provided on stable and predictable bases. These funds could come from general appropriations and/or special taxes. Perhaps we could be a little more entrepreneurial in our approach to water resources. Various pay-back schemes could be tested. The idea of water resources funding for power and water sales deserves careful study. South Dakota has been involved with this concept as well as use of the small cities' CDBG funds for certain water development projects.

Action on Issues
a. Planning needs analysis
b. Project need analysis
c. Capital list development
d. Funding source activities
e. Full funding of MBSA

4. COALITION BUILDING

The states and businesses must build coalitions that will better enable us to achieve our agreed-upon goals and development plans. These coalitions must develop between our Congressional representatives. Synergism and cooperation must replace energy-consuming conflict. We must decide what we want and then proceed together to achieve the agreed-upon goals. We can't afford to fight among ourselves.

Businesses will build a coalition to help states in the development process and to petition Congress for policy changes and projects. The Mid-America River Resource Alliance is being formed by business throughout the basin through local Chambers of Commerce. I believe they will grow and prosper.

Action on Issues
a. Continue MBSA
b. Develop Congressional coalition
c. Develop State Legislative coalition
d. Develop business coalition

5. ORGANIZATION

The work toward a compact will require time. Until such is accomplished, several changes should be made. The governors should annually be involved with the MBSA proceedings.

The State legislature should be involved through an appropriate committee structure. This will allow better understanding of the compact questions as well as immediate water issues.

MBSA should augment this process with an educational program aimed at the State and National legislators.

The governors and legislatures should appoint MBSA representatives. These representatives should either be Cabinet level persons or be designated as the Missouri River planning officer and placed directly under the respective governors.

Action on Issues

a. Institute MBSA annual meeting with governors
b. Institute MBSA state legislators educational program
c. Institute annual meeting with MBSA and appropriate legislative committees
d. Reorganize State Missouri River planning offices

We have traveled a great distance. We have a long way to go. We pledge our support, our assistance, and our experience in this journey. We invite your serious consideration of these ideas and look forward to your response.

Don Meisner
SIMPCO
August 2, 1984

August 9, 1984

Honorable James Abdnor
SH-?C9 Hart Senate Office Building
United States Senate
Washington, D.C. 20510

Honorable James Abdnor:

I wish to file this letter in regard to flooding on the Vermillion River, from north of Davis to Vermillion, S.D. I have lived in this area since my childhood in the early 30's. I have seen and felt the economic effect of flooding which has been getting worse over the years. This is do to increased drainage of low areas all up and down the river basin. The Federal Government has supported ditching and drainage for years but has done nothing to stop flooding caused by this increased amount of water poured into the river channel. There has been over the years, an extensive diking system which needs to be reworked and bottlenecks removed to allow more room for the water to travel to the Missouri River. Also the higher ground just above the city of Vermillion caused a bottleneck which during high water makes a lake from Davis to just north of Vermillion. Also all low land from hill to hill.

The Government with its dams on the Missouri River has control flooding, but nothing has been done to control the Jim River, The Vermillion River, and the Sioux River. Therefore these rivers caused considerable flooding down stream at Omaha, etc.

I don't know how to solve all the problems caused by the river flooding but do know a lot of the best farm land in this area was impossible to farm the last 2 years and this can be corrected with help and cooperation from the government and all people involved.

Yours truly,

Stanford Schmidt

Stanford Schmiedt
Schmiedt Drug
(Pharmacist, City Alderman and
Committee Head for local Park
and Dam control)

628 Broadway
Centerville S 7014

PHOTOS OF THE 1964 FLOOD SITUATION AT THE AUDEN